

**ANNEX A EEOC CHARGE AND EXPLANATION OF EXHIBITS**

- K. CAUSE MO-70-64 UNITED STATES OF AMERICA AND COMMITTEE FOR REDRESS, UNITY, CONCERN, AND INTEGRITY AT ALL LEVELS VERSUS ECTOR COUNTY INDEPENDENT SCHOOL DISTRICT IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS MIDLAND-ODESSA DIVISION EXHIBIT EE CONSENT AGREEMENT ADD ON INITIALLY DENIED REQUIRING ADDITIONAL AND CONTINUED OVERSIGHT DUE TO NON COMPLIANCE.
- L. K. CAUSE NO 12-07-438 271<sup>st</sup> JUDICIAL DISTRICT WISE COUNTY JOSEPH PALAZZOLA VRS FORT WORTH INDEPENDENT SCHOOL DISTRICT NEW TRIAL IN 2023
- M. Cause NO 03-21-00161 -CV TEXAS COURT OF APPEALS , THIRD DISTRICT, AT AUSTIN OFFICE OF THE ATTORNEY GENERAL VS JAMES BLAKE BRICKMAN, MARK PENLEY, DAVID MAXWELL AND RYAN M VASSAR, APPELLEES EXHIBIT BBBB
- N. RESOLUTION H.R. 664 BAYLOR UNIVERSITY EXHIBIT C
- O. DOJ PROSECUTORS IN DC TAKE OVER CORRUPTION PROBE INTO TEXAS ATTORNEY GENERAL EXHIBIT D
- P. TX DEPT. OF HUMAN SERVICES V GREEN COURT OF APPEALS, AUSTIN TEXAS NO 3-92-059-CV (APPEAL FROM THE DISTRICT COURT OF TRAVIS COUNTY, 53<sup>RD</sup> JUDICIAL DISTRICT
- Q. UNITED STATES DEPARTMENT OF EDUCATION RULING OFFICE OF SPECIAL EDUCATION TO TEA OCTOBER 19, 2020
- R. ABBOTT APPEALS SCHOOL FINANCE RULING; CAUSE NO D-1 GN -11 0031130.
- S. The commissioner report findings on the Pattern or retaliatory conduct in violation of Title 1 and Title II.

ANNEX C LIST OF EXHIBITS

The drop box is:

BOSWELL I EXHIBIT A TO Z

<https://www.dropbox.com/scl/fo/g9zpq9zlheowv8yk6x2mj/h?rlkey=7vhkmlg78vbe4wi9f5oy2hmeb&dl=0>

BOSWELL II AA TO ZZ

<https://www.dropbox.com/scl/fo/zj559z7xfqgiaqo7g3r5a/h?rlkey=06j2gcda8s5u0ogggmre7j4me&dl=0>

BOSWELL III AAA TO ZZZ

<https://www.dropbox.com/scl/fo/gkxz8ek8sy4wf3u4r9u9i/h?rlkey=59wb7tdqjzg2f7zdcjwcr66s2&dl=0>

BOSWELL IV AAAA TO ZZZZ

<https://www.dropbox.com/scl/fo/mm6yjpqaxw81rrd5l085y/h?rlkey=g84kpoirf70wvd5lxbc4dxirx&dl=0>

BOSWELL V AAAAA TO ZZZZZ

<https://www.dropbox.com/scl/fo/6mcbz6owsrsad2f7chn3g/h?rlkey=6qz29snjr3kxz37kzqdvmbol1&dl=0>

# **LIST OF EXHIBITS**

## EXHIBITS

A POW MR. LANCASTER AFFIDAVIT  
B KS (TCU STUDENT) LAW SUIT v TCU  
C AFFIDAVITS OF CONSPIRACY ARMY LIEUTENANT  
COLONEL BRIGHT, ARMY CHIEF OF STAFF  
D PARNELL; SHAUNA BOSWELL; TODD WEILER  
E MEDIA ASSESSMENT OF TCU  
F STATE, FEDERAL LAW & Fort Worth Ordinance 14333  
G Grievance to NCAA, December 14, 2014  
TCU RAPE OF ROTC CADET Sexual Harassment  
Assault Response & Prevention (SHARP); TCU/CID  
COVER UP; FORT HOOD MYSTERIES LAST YEAR (39  
DEATHS OR MISSING; 11 UNRESOLVED)  
H GEORGIA SENATOR REQUEST FOR DOD IG  
MILITARY WHISTLE BLOWER INVESTIGATION; ARMY  
BOARD FOR CORRECTING MILITARY RECORDS:  
I TCU LETTERS OF FALSE MISREPRESENTATION,  
DEFAMATION OF CHARACTER; BULLYING;  
J INSPECTOR GENERAL SERIOUS ABUSE OF  
COMMAND AUTHORITY Army Major to Army Sergeant  
K LETTERS TO TEXAS RANGERS & LAW  
ENFORCEMENT AUTHORITIES  
L TCU'S MARINE HERO RECOMMENDATION  
M NCAA INFLUENCE ON THE UNIVERSITY  
INTERSCHOLASTIC LEAGUE ALLEGED FRAUD;  
STATE CHAMPIONSHIP REVOKED  
N FIFTH CIRCUIT RULING ON TEXAS NON  
COMPLIANCE Education NO 18-60500  
O JUDGE ASSESSMENT VIOLATION OF FIRST AND  
FOURTH AMENDMENT:  
P WB OFFICIAL 12 GRIEVANCES BEFORE TEA  
Q INJURY DOCUMENTED BY VETERAN AFFAIRS  
R DEC 22, 2022 CONSUMER WB COMPLAINT TO NCAA  
S BOSWELL V. STATE BOARD OF EDUCATION;  
BOSWELL V. TEXAS EDUCATION AGENCY  
T GOVERNOR ABBOTT LTR TO TEA COMMISSIONER  
U LTRS: TO TRUMP, FBI DIRECTOR, U.S. ATTORNEY  
V LT COL VINDMAN V DONALD TRUMP LAW SUIT  
W WHISTLE BLOWER COMPLAINT TO TED CRUZ

**EXPLANATION  
AND  
VALUE OF EACH  
EXHIBIT AS  
CIRCUMSTANTIAL  
EVIDENCE**

## **EXHIBITS "A" THROUGH "Z"**

**EXHIBIT A Affidavit by Tom Lancaster.** This has value because this is affirmation that TCU needs to come clean as requested by the Air Force Prisoner of War from Lampasas, Texas. Just as the late senator, John McCain our most legendary Prisoner of War commands ultimate respect, so does Tom Lancaster. This POW is one of seventy-two who stood by Major Boswell. After reading this, any issue pertaining to false misrepresentation of Major Boswell should be put to rest. This testimony is an amazing testimony of accomplishment, and never publicly acknowledge. Acting in good faith is a principle of the NCAA. Character credibility is necessary to any NCAA investigation and its model is The Texas Whistle Blower Statute, and each of 6 elements.

In good faith, TCU could have applied an equitable response to the Uniformed Services Employment Rights Act (USERRA) which was enacted in 1994. It was the TCU Dean who requested the discharge in retaliation for the Varsity's Coach protected disclosure to the Cadet Command Inspector General. The fair remedy was to honor the contract for a three year assignment and tuition free advance degree for each officer assigned to the institution, and now reinstatement at TCU with benefits. TCU fired me a varsity coach for the Rangers as our cadets were training to compete with other University ROTC's. I reported several protected disclosures of financial fraud, sexual harassment - alleged rape, and racism, and was asked to push blacks out of the program. TCU allowed "dependents" to also receive tuition free credit, and this was a carrot to be silent in the midst of hidden shames, even today, for competing in a national championship. Title 10 section 1034 authorizes the whistle blower to be made whole and this situation defrauds investors some who died in military wars, and it is a slap to Lieutenant General, General David Grange. He pinned the Ranger Tab on me with comment, Ranger, go lead the way because of graduating standing, an honor graduate.

**EXHIBIT B Cause 141-233239-08 KS v TCU, Coach Patterson; Chancellor Boschini.**

Good leadership turns bad culture around. Coach Dykes can not be in good standing until he explains to NCAA the FBI sting operation and fraud governing athletic scholarship and reformed TCU policy compliant with law.

**Exhibit page number 1 (E-1)**

Otherwise, private and government funds gifted to TCU patrons escape consumer and government accountability. TCU is still on probation as the institution provokes and escalates encroachments. Can we honestly believe our athletes are safe when our Texas Attorney General Ken Paxton on February 10, 2023 agrees to a 3.3 million dollar whistle blower settlement. A part of this record is an affidavit where the following testify: "On September 30, 2020 we the undersigned individuals, reported to the appropriate law enforcement authority a potential violation of law committed by Warren K. Paxton Jr. in his official capacity as the current Attorney General of Texas. We have a good faith belief that that the Attorney General is violating federal and state law, including prohibitions relating to improper influence, abuse of office, bribery, and other potential criminal offenses. Note the seven high ranking whistle blowers: 1) First Assistant Attorney General, 2) Deputy Attorney General for Policy and Strategic Initiatives, 3) Deputy Attorney General for Civil Litigation, 4) Deputy Attorney General for Legal Counsel, 5) Deputy First Assistant Attorney General, 6) Deputy Attorney General for Administration, 7) Deputy Attorney General for Criminal Justice, and any improper influence by the Attorney General and the President of NCAA, Baylor University President Dr. Livingstone.

The public has a right to know about NCAA levied punishment to TCU, to deter a repetitive offense, as perpetrated against this Varsity coach who tried to incorporate integrity in the athletic program. When retaliation is shown to have the ability to dissuade a person from making ethical decisions, it is against whistle blower law. In this case KS and her father made the choice of selection of the college of choice, not knowing the case. It is like buying a house: a legal disclosure statement of what is wrong with the house must be communicated. Otherwise, unjustly enrichment occurs.

During the recruitment process plaintiff (KS), (a Nordan Scholarship recipient valued at \$ 10,000 per year) and her father spoke with Chancellor Boschini. The chancellor and the TCU student handbook represented to KS and her father that TCU was committed to personal integrity, and would act toward students with honesty, respect and trust. When I was hired at TCU this same commitment was made. TCU made contractual promises but placed me in an oppression and defamation mode so that I would be powerless to be an advocate for ethical NCAA leadership.



I was given the same logic as the University Sexual Harassment Compliance Director allegedly gave to KS that it would be in the best interest to forget about the incident and not report it. Had I taken this advice and betrayed my students, be assured, my wife, and two children would have earned additional TCU degrees and I would be awarded an Education Doctoral Degree in Higher Education, as with my peer, Army Major Cooper who allegedly remained silent as one other field grade officer who did remain silent until he retired. But then I would not have experienced seven years assigned to the Texas National Guard as a Sergeant which has made me a better leader.

Texas Christian University is accredited by the Southern Association of Colleges and Schools Commission on Colleges to award baccalaureate, masters and doctoral degrees. (The address is 1866 Southern Lane, Decatur, Georgia 3033-4097). Given the NCAA scrutiny at Penn State, Baylor University, and Southern Methodist University, is it viable to keep Chancellor Boschini as an NCAA member as he acknowledges the misleading statement on how TCU is the "Best College for Veterans" (photo shot 2-08-2023). This false advertisement continues under the NCAA umbrella and auspices for deception.

Consumer advocate complainers are not normally subject to employer joint conspiracy Death threats, nor are they silenced. When it get's this bad, and the FBI is required to intervene, as with the TCU basketball program on NCAA probation, the NCAA death penalty, similar to the disciplinary deterrence to SMU, may be the only step to bring accountability and resolution. Our country is confused at Coach Patterson's response to getting fired. Why didn't he tell the truth that he and the Chancellor were sued because of their alleged negligence regarding 3 Horn Frogs gang rape of a scholarship student. What is more important, winning or serving our honor, our duty, our country, and our Constitutions? The overt act for exclusion of this protected Vietnam ERA Veteran stops now because TCU is alleged to violate 42 U.S.C & 1985 (2), and 42 U.S.C. & 2000a Title II of the Civil Rights Act (Public Accommodation) noting that TCU has encouraged employees to lie and this is a measured response of racial inequality and Title IX infractions. The misleading statement is TCU' Coach Patterson's response: "stop the noise".

The continuance of providing false information has caused years of pure hell, and sustain injury and has required the defense of our Texas Governor regarding accreditation and concerning non compliance. Continuance of concealment is responsible for demolished morale and consequences during the Fiesta Bowl, yet TCU is already experiencing increased applications to the University. In the 70's during the Vietnam war which no body can talk about, there were instances where soldiers were killing children. This perception demoralized America.

### **EXHIBIT C AFFIDAVITS of CONSPIRACY.**

TCU injurious misconduct represents a serious scandal bigger than what transpired at PENN state and Baylor University. TCU testified that no impropriety was found at the Major Boswell Army retention board, and this was responsible for miscarriage in justice. Here this obstruction to justice was reported in a 6 page interview with Criminal Investigation Command. The institution lied and the lie continues to this Fiesta Bowl championship game. At minimum a scholarship should be offered for all who were injured including grand kids. Complainant was transferred from TCU, Fort Worth to 2<sup>nd</sup> Armored Division Fort Hood and was assigned as G-2's military intelligence officer, Division's Electronic Warfare Officer, and later as a primary staff officer, the A C of S, G-5. The Army Division Chief of Staff, Bill Parnell writes:

Come on! So when I read that, that caused me to read a lot deeper.  
 "I think the system up there was a worm eaten piece of wood  
 frankly... maintaining the image ... in accordance with absolutely  
 100 % Simon Pure propriety..."

The whistle blower's daughters statement are also compelling as the oldest of the two daughters was forced in a TCU vehicle while TCU executes a false arrest while confiscating the felony related evidence pertaining to the Dean's handling of the Cadet and Varsity funds, and rape . An attorney provided a copy of misapplication of fiduciary property, Texas Law 32.45 and advised that the amount met the threshold for a felony offense. Later, the daughter's testimony was convincing for the Texas Veterans Commission to represent me, for the Army's Discharge Review Board's

favorable ruling, for the Army Board of Correcting Military records favorable ruling, and for the Department of Defense finding of reprisal. Her testimony of being in the cross hairs of a crime was sufficient to convince the Army Discharge Review Board to over turn the Retention decision influenced by TCU and the omission by the Texas Attorney General to examine the TCU and Baylor conspiracies to protect and defend their Chancellors and Coaches. TCU accomplishment of a wrongful arrest and escort for the employee, and daughter to undergo psychiatric evaluation remains a black mark for America, and the NCAA. Why would the NCAA give Hollywood another reason to do another documentary?

Next the actual TCU escort officer to the Navy Air base Hospital provided an admission. This is how I know that GOD is in control. I feared harm to my family, and what was the chance that two soldiers would see one another again at an end of tour Army physical, "eleven years" later. The Lieutenant Colonel was no longer under TCU's thumb, yet he will always be a conspirator and eye witness. Lieutenant Colonel Bright writes: "My first assignment was as an associate Professor of Military Science". "I regret, even though I was under orders, that I was a participant in the Universities and Army conspiracy to remove this outstanding officer from an Army ROTC assignment. There is ample motive why the conspirators wish harm on Major Boswell. Now I firmly believe there is a criminal connection – the sudden and unexpected disappearance of a black supply sergeant"... he goes on with his two pages to the Secretary of the Army.

The intimidation hurts more because I am prohibited from taking grand kids to a TCU hosted event which violates the nondiscrimination clause of a NCAA contract between NCAA and the University. Next is my 6 page report complaining of intimidation to the Criminal Investigation Command (CID) regarding TCU witness testimony and death threat " I will kill you ", page 4 of 6. The publication of TCU published nondiscrimination statement for school year 2022 – 2023 is a misrepresentation. Last, Marine Colonel Don Ezell, a TCU scholarship recipient, states: "I recommend Texas Christian University recognize and bear responsibility", page 2 of 2. Mr. Ezell story was deemed so impressive that the Austin Commander of the Texas Rangers telephoned Major Boswell direct to determine the best time and date for an agent interview.

**Exhibit page number 5 (E-5)**

Throughout this ordeal I have reported the alleged crime to Law enforcement. During that Veteran to Veteran call, I learned that the spouse of Ranger Whitman was a High School Principal and for both of their concerns for lawful activity in the Texas School Districts. Statements were secured from the following Army Sergeant Major Fant, Lieutenant Koan Bice, Captain John Hayhurst, Civil Servant Nate Lynn, raped sexually harassed cadet initials "RT" and Todd Weiler. Mr. Weiler's statement is most interesting because his unwarranted and illegal removal from the ROTC program was revived and he rose in his Army Civilian Career to Mr. Todd Weiler as the Assistant Secretary of Defense (Manpower and Reserve Affairs) in charge of the day to day supervision of the Department of Defense Education. He states: "I have no doubt that without Major Boswell's intervention in my behalf, my life would be much different today". Strongly recommend the removal of the second biased report, retention of Jim Boswell and promotion to Lieutenant Colonel. This action, I believe will correct an injustice". The part that Mr. Weiler did not understand was that LTC Stacy was afraid of stand up guys, like Todd Weiler who was also a whistle blower witness to the cadet fund and the sexual harassment. Stacy knew that the raped cadet initials "RT" would confide in Todd because they were exceptional trust worthy friends, and the likelihood that Cadet Weiler would be harmed or would disappear was probable under LTC Stacy's capability to orchestrate additional crime under the Racketeer Influenced And Corrupt Organizations Act (RICO). RICO covers witness tampering. I was fired. Dunlap was intimidated and disappeared. Bright was bribed. Students and Faculty were compromised into bribery and accepting funds from the cadet fund. The cadet fund was paying housing rent for the Cadet Battalion Commander. This was money laundering. Threatening to withdraw an Officer Commission, as was the case with Todd Weiler, would ensure complete silence. Bribery to Major Cooper allegedly involved "I will allow you to continue your tuition and achieve your doctorate degree if you will remain silent. Or in ECISD case you can continue the employee contract but you will have to be a team player and comply with our direction of unlawful and unethical conduct as inferred in a written presentation to the school board, a document of which was withheld from Texas Education Agency oversight review. Here it is important to see the exchanged emails and assess why Principal Denise Shetter was removed from her position in the middle of her contract, January 2012, and the alleged cover up.

**Exhibit page number 6 (E-6)**



The two institutions joined each other in the conspiracy to rid Major Boswell from employment and truthfully I am so shaken up over the Constitution violations found by Judge David Counts that I believe I am unemployable. The common denominator in a bad way is Governor Greg Abbott and in a good way is the Austin Commander of the Texas Rangers and subsequent interview. Texas Ranger Hank Whitman not only Commanded the Rangers but he was the First Inspector General until his departure in 2019. He was a retired Marine.

Note Bobby Duncan TSTA lead litigator found that I was a target. Of the twelve grievances I filed, the first against the principal, ECISD issued 3 reprisal reprimands. But after the first grievance, the Odessa High School Principal was removed in January 2012. I received 3 reprimands all under false pretenses, and by school employees who were in violation of the law. The treatment resembles that of the retaliation action experienced by seven subordinates of Attorney General Ken Paxton.

That is why TCU will not allow certain Veterans to go on TCU property, and any State or Federal Judge affiliated with a TCU court ruling or ECISD court ruling is most likely neck deep in the conspiracy and should do as the Baylor University did while under NCAA scrutiny – self correct and then, if appropriate resign and seek FBI adjudication and investigation accordingly.

I have provided a partial list to the Texas Judiciary Committee for an ethics review. I pledge that since the cover up of the UCMJ offense regarding sexual harassment at TCU, TCU is an active participant regarding their December 10, 2012 letter in violation of 18 U.S.C Conspiracy.

**MEDIA COVERAGE EXHIBIT D**, rings out truth but continues to trigger my injury while on active duty at TCU. The Veteran Affairs diagnosed the injury PTSD with a 70 percent disability. The media also motivated me to produce the Smith Castile Commission report, certified July 11, 2016 as history why police and innocent lives fall. It reminds me of the disappearance of the government witness, a black man at TCU, " Staff Sergeant John Dunlap. It raises the probability of TCU RICO involvement in Dunlap's disappearance and a hate crime, and the nexus of a combat veteran's revenge on the Dallas Police. The fact the discrimination

**Exhibit page number 7 (E-7)**

resembles the current 2021 and 2022 law suits against the University gives credence of more to come. More important, it brings us to our knees as 5 Dallas police officers are killed on July 7, 2016 by a loan wolf as this animal acts out justification to live out his revenge.

The shooter was an Afghan War Veteran, Mr Micah Xavier Johnson and the story is he was angry over police shootings and mistreatment of black men. This tragedy turned a demonstration against fatal police shooting in Minnesota and Louisiana. I relied on my public administration skills and published the " Smith Castile Commission" report certified July 11, 2016, hand delivered to the Dallas police detective to account for the 5 police officers and innocent standby victims.

It is hard to swallow that the State of Texas is rewarded with TCU's championship fiesta bowls performance with revenue and residual awards when hate and intimidation is traced to TCU. When asked who cares? I earnestly believe NCAA does care even as TCU escapes accountability. But the fiesta bowl was any thing but an exhilarating performance. One reason may be is the that TCU is so ashamed of the FBI sting and this public report of a 22 December 2022 infraction emailed to the Baylor President, Dr. Livingstone, requesting a thorough investigation.

Accordingly, TCU has 30 days to respond to this NCAA infraction. TCU conspiracy has set in motion damage to law enforcement and harm to former students, and families, and damage to special education children, state wide, another kind of fraud. My interview with the Ranger agent was recorded. Two packets were provided one illustrating fraud at TCU the other fraud at Ector County Independent School District. (ECISD).

Specifically the horned frog athletes gang rape of the scholarship student and the alleged University cover up poses a "substantial and specific danger to public health and safety". The other packet illustrated fraud at Texas Education Agency and from the Texas state wide perspective involves alleged misappropriated \$ 33,302,428, which is the amount listed in Department of Education administrative order in the court filing. I had 25 special education children enrolled in ROTC and usually was invited to an ARD meeting for each student. One parent confided in me and prepared an affidavit Her child was injured in another class because her child

required a teacher and assistant. The budget shortfall required the termination of the assistant and this cut violated the law. In correspondence with the State of Texas I allege the State of Texas negligence. Last I checked the Chief of Staff memo read that the treatment to special education is "not legally defensible" which goes along with the Travis District County Judge, Judge Dietz, that the Texas activity is unconstitutional.

I believe the TCU conspiracy rises to Honorable Gregg Abbott and the State Board of Education. The headline for the Associated Press is "TCU Sexual Assault case settled". Here, NCAA should have a record of the herpes and the devastation this scholarship student endured because TCU according to the rules is suppose to provide NCAA and Texas oversight authority with athletic infractions. TCU could be liable for spreading a communicable disease page 4, paragraph 24 of the law suit Exhibit B.

A tool for both institutions is to play hardball with release of the evidence. The cost of the open records request was allegedly calculated by Governor Abbott as the Attorney General at \$ 29,457.00 but my unlawful arrest at TCU and a second arrest at ECISD shattered all faith in Texas and Federal whistle blower policy. What teacher can afford this costs for records to prove fraud? Teachers left in exodus because of the gross miscarriage of justice, at least in Texas.

President Donald Trump provided Magistrate Judge federal status after Judge David counts released the 32 page report. Texas Education authorities continue to deny open records request. This is a pervasive tool used in Texas and during discovery to prevent advocates of justice in becoming successful.

In this regard, complainant requests the finding of any NCAA investigation and that NCAA meet the basic moral and ethical requirements. Major Boswell holds two advance degrees. One is a Masters in Public Administration from the University of North Texas. The other is from the U.S. Army Command and General Staff College. This military analyst requests NCAA investigation be recorded in the Federal and State of Texas's Congressional Record.

**Exhibit page number 9 (E-9)**

Other NCAA institutions rise to fame without cheating. Texas Christian University is a member of the National Collegiate Athletic Association. Prohibiting this former TCU employee and former student to continue Christian Graduate Studies and to participate in Veteran Activities is reason for NCAA to vacate all games, initiate the "**repeat violator rule**", and to allow self penalization by returning all state and federal funds given by various agencies including the Department of Education and Department of Defense. It is within the NCAA authority to vacate all TCU college wins, since 1986. Otherwise, the education contribution to society will remain degraded.

### **EXHIBIT E Fort Worth City Ordinance 14333**

Department of Labor may define the notice for no trespassing to one of "an adverse unfavorable action" addressed by **14333**, section 17-47. Here, the City of Fort Worth values being enriched by increased revenue rather than abiding by law. Disability and Veteran discrimination demands a Federal Investigation. NCAA is an impartial institution which will go after the truth. The truth is that conspirators circled the wagons and protected one another of fraudulent conduct. Non compliance is fully documented, and NCAA by laws are violated.

Department of Veteran Affairs may define the act as just the kind of Soviet conduct which places Veterans under a bridge (citing 22 Veterans commit suicide per day), actually more!

The City's failure to enforce this ordinance is subject to scrutiny of whether the city should be "blessed" with a win marked in controversy. Angela Rush the Administrator Fort Worth Human Relations Commission Manager violates the Texas Whistle Blowers Act for due process and a fair hearing because this document is considered a grievance and an exhibit to the complaint form for a business within the purview of the City of Fort Worth to deny accommodation access to 1) the Armed Forces game, 22 December 2022 2) to deny employment physical access to an employee counselor, 3) deny access to a Veteran counselor, 4) to deny access to a Disability counselor, 5) deny access to a Title VII counselor since a black witness to the DOD whistle blower came up missing, 6) deny access to a Title IX counselor since complainant was a TCU Varsity Coach and unlawfully



terminated because of felonious reports Exhibit I to the TCU Dean of AddRan College of Arts Office of the Dean. Some authority who can explain the discrimination conduct since 1987 in HRC Charge 331A-2013-111 renewed due to the Veterans Affairs diagnosis of injury 70 % PTSD disability, aggravated injury each day the discrimination occurs. This former alumni especially desires a meeting with his former TCU Pastor after a TCU worship service.

Due to a death threat connected to TCU employees provided in the report to the CID and to the conspiracy witness admittance who also worked at TCU, it would be appropriate that City of Fort Worth be investigated and charged.

The authorities of the Texas Whistle Blower Statute are plaintiff's in Cause No D-1GN -20-006861 four former employees James Brickman (Deputy Attorney General for Policy and Strategy), David Maxwell (former Director of Law Enforcement, 24 years as a Texas Ranger) J. Mark Penley (Deputy Attorney General for Criminal Justice before he was wrongfully terminated), and Ryan Vassar (Deputy Attorney General for the OAG) until retaliated against and constructively discharged. To say the least we have a shake up in Texas resulting in a 3.3 million dollar settlement and disclosure of laws on the books that were not followed. My complaint against the City of Fort Worth, I believe falls in this category.

Please show the due process and fair hearing that warrants this discrimination for 35 plus years? In analogy, please explain why the District Attorney would not cite the reason why the Horn Frogs were not charged in the gang rape of the scholarship student. City's venue for discrimination enforcement miserable failed and only leads to the suffering of the disenfranchised without any viable oversight. Oversight was compromised. TCU and ECISD employees were encouraged to lie and to falsely testify. HR Mike Moerish and Vice Principal Quintella continued retaliation and provided false affidavits and oral testimony and covered up for the ECISD cover up for Odessa High Schools Principal Shetter's removal. Lieutenant Colonel Stacy and Dean McCracken were encouraged to lie and falsified affidavits for TCU. They each and their institutions tried to defame me.

This has a nexus effect and is one of 20 points of discussion found in the Smith Commission report concluding the death of 5 police officers in Dallas Texas. TCU and ECISD influence to persuade a Judge for a favorable ruling breeds a lack of credibility to the Judiciary process. Impartial judicial decisions solidify hate, crime, and death. Coach Mike McQuery won a defamation law suit against PSU that awarded him \$ 12.3 million. In the United States District court for the District of Columbia v Texas Christian University the Big East Conference para 19 . states "The Big East made demand for the payment owed (\$ 5,000,000) under the agreement, but TCU refused to make that payment or acknowledge its obligation to do so. The NCAA has multiple examples how TCU cheats NCAA, its players, its faculty, and its former whistle blowers.

Media reveal the Fort Worth and Dallas police chiefs have their hands full. NCAA may examine infractions against the NCAA Constitution. Perhaps this impartial body can offer an explanation why only the less qualified want to be a cop, a teacher or a soldier especially when their property right, entitlement, and benefit may be taken away with out a hearing and oversight review.

When my grandchildren see that 1) our family is restricted from TCU property, and 2) that the request for due process to the TCU Board was denied, what are they to think? Are they to feel safe?

### **TCU violates NCAA BY - LAW 10-1**

Now before Coach Sonny Dykes is a scandal. Failure to support each of the forgoing NCAA principles breeds crime. Failure to provide complete and accurate information to the NCAA serves as a deterrent to NCAA enforcement . **NCAA by law 10.1** is the forum to validate the alleged grievance of unethical conduct. 10.1 covers "a current or former institutional staff member". NCAA has responsibility to determine TCU refusal to furnish information relevant to the athletic culture at TCU. It is no surprise that the Trustees operate in secrecy to target an adversary from participating in an investigative procedure of a NCAA. Boswell's complaint was December 14, 2014. Eight years later the punishment continues.

## **EXHIBIT F Grievance to NCAA dated December 19, 2014**

Concealment was a tactic employed by PENN STATE. It backfired. TCU on 22 December 2022 violates the NCAA preamble "the member schools and conferences likewise are committed to integrity"

The 2014 complaint begins " I am Jim Boswell. I ask for reflection and focus on our forefather's principles on grounds of expression of freedoms as religion, speech – to escape prosecution. This is our history and we are reminded of symbolism and emblems at the start of each event as we collectively show acknowledgment and thanks. From inception, I have tried to fight for American values , and underdogs.

We are reminded of Army Ranger Pat Tillman. "The Pat Tillman foundation was established in his name to promote scholarship, the spirit of community service and supporting veterans, active service members and their dependents" (Page 20 per the CD provided to NCAA). "Therefore, pursuant to NCAA By laws 19.5.2.2-(e)-(2) and 31.2.2.3-b the institution should cancel all wins which officials of the institution as "intentional wrongdoers completed while discriminating against Veterans during Academic years 2011 -2012, 2012-2013, and 2013-2014" .

It appears as an injustice as we sing the National Anthem before each game. The lyre-ks depict on history preserved by Veterans.

### **NCAA by law 111.1**

I became certified in Sexual Harassment training, July 7, 2018. So with confidence, grievance request the TCU checklist for Exhibit B be included in the investigation of Chancellor Boschini, as the victim of the NCAA infraction sued the Chancellor Whether she was paid ten million or not does not have an impact on the infraction and the process.

**BY Law 111.1** requires a responsibility to investigate a Head Coach for compliance with law. " An institution's head coach shall be held responsible for their actions and the actions of all institutional staff members".

In order to assist the NCAA Division I Committee on Infractions in penalty deliberations, the enforcement staff will gather information regarding whether the head coach promoted an atmosphere of compliance within the program and monitored the activities of all institutional staff members. During the transition from Coach Patterson to Coach Dykes

**EXHIBIT G The 2020 SHARP report to Fort Hood and the TCU ROTC Cadet Rape.** We begin and appreciate the courage of this soldier who died needlessly and to the TCU cadet that tried to make a difference. Texas Christian University, a member of NCAA, represents NCAA, on this

day January 9, 2023 in a injudicious manner, unethically and dishonestly. The complaint begins with grievant's employment at TCU where he freely attended the games, but the prohibition of attendance of the Armed Forces game 22 December 2022 at the TCU aggravated the PTSD injury, For Sergeant Guillean, suicide was a consideration because of the CID negligence and chain of command cover up.

This Veteran thought he would be killed because of the paranoia of the Death of Vanessa Guillian and the threat of TCU's conspirator effort to kill as reflected in the whistle blower to the CID. TCU dishonesty and Texas aiding and embedding has caused much more harm than what happened at SMU. The TCU conspiracy is alleged to have contributed to the Guillen death, and to the Boswell injury, aggravated by paranoia and sleepless nights. TCU's omission to a series of grievances are a blue print of 3 law suits which establish the TCU legacy of litigation in Fort Worth Texas because of misrepresentation and conflict of interests. TCU's omission was a serious discredit to the findings of: "Fort Hood 2020: The findings and recommendations of the Fort Hood Independent Review Committee", and it dishonors NFL hero Pat Tillman.

**EXHIBIT H : Department of Defense H94L56226017 MILITARY WHISTLEBLOWER INVESTIGATION : FORMER JAMES D.BOSWELL, U.S. ARMY** The report refers to the Army Discharge Review Board (ADRB) due process. The ARDB noted the injury: 1) removal from the University 2) loss of the Army's retention board. The Senator states: Mr Boswell 's case merits careful review and consideration in light of the strong

public policy against whistle blower retaliation. The statement to the CID concludes TCU statements of misrepresentation. Grievant was successfully represented by the Texas Veterans Commission and TCU's agenda to retaliate violated the premises of the Texas Whistle Blower Statute. Since the University is private, TCU escapes accountability but accountability before Division , the NCAA enforcement arm is still pending. The ADRB published a finding of "reprisal" governing the TCU termination efficiency rating. The U.S. Army's Chief of Appeals and Correction Branch cites 1. As a result of a favorable determination of your application for correction of military records " Your previous separation orders have been revoked". The City of Fort Worth may be liable to a retaliation whistle blower lawsuit in violation of the Texas Whistle Blower Statute.

"The Texas Whistle Blower Act protects public employees who make good faith reports of violations of law by their employer to an appropriate law enforcement authority. An employer may not suspend or terminate the employment of, or take, other adverse personnel action against, a public employee who makes a report under the Act.

Here NCAA has a moral and legal obligation to enforce compliance of NCAA policy,e.g. to investigate when a NCAA member retaliates against a Varsity Coach. TCU's handbook and Laws regarding Accommodation prohibit "any other adverse personnel action". Restricting a TCU alumni from a constitution benefit is considered adverse, Restricting a Veteran benefit is uncalled for.

# **EXHIBIT I TCU LETTERS CONSTITUTING HARM, FALSE MISREPRESENTATION, DEFAMATION OF CHARACTER; BULLYING; COVER UP.**

Here it is clear the State Board of Education **unlawfully** protects misconduct. This is against Texas Whistle Blower statutes and Federal Law. This is what my grandchildren will READ on TCU letterhead. It is clear that when other Universities were confronted with NCAA violations, Baylor University and Penn State resolved irregularities, appreciated and respected by the public, at large. But these letters from TCU are evidence of TCU's misrepresentation, their advertisement and business plan.

**Exhibit page number 15 (E-15)**



The 15-6 investigator was not an impartial officer. LTC Hammery was assigned to the University of Texas, Arlington. He was a conspirator in the alleged Army and TCU cover up and closed the investigation when Staff Sergeant Dunlap, a black man, and raped victim "RT" offered to testify. Both under suspicious and false pretenses were dis-enrolled. The conspiracy is substantiated in the three TCU letters.

1<sup>st</sup> letter to TCU students: "**Sergeant Major Vyers** will step in for Major Boswell's classes". "It is unfortunate but the Officer's Corps of the United States of America has high standards".

Compare please this statement to the victim's Cadet's statement, Exhibit G: "no, no no ... She describes the person responsible for sexual harassment and the alleged rape "**Sergeant Major Vyers..**"

2<sup>nd</sup> Letter from the Dean.

"I confirm that I wished to have Major Boswell 's assignment discontinued".

Yet, after I provided the IG with the Dean's involvement in financial impropriety and cover up of a Title IX violation. The check written to TCU for \$ 2345 out of the cadet fund (of a total \$ 14,000 expenditures) was proof of financial impropriety and violation of Texas Law, 32.45, misapplication of fiduciary property, a potential felonious offense because of the amount threshold. The Army IG was provided 22 allegations, on was evidence of racial animus, and eleven years later three Army Boards (Army Discharge Review Board, Army Board for Military Records, and the Army Board for Army Appeals) found reprisal concluded by the Department of Defense Inspector General Whistle Blower Investigation.

3<sup>rd</sup> letter: Memorandum for record by full Army Colonel. "Major Boswell is relieved from duty" but the request for banning Boswell is questioned by a Federal interest "TCU - a public institution".

The Dean provides these letters soliciting discord with students.

**Exhibit page number 16 (E-16)**

Each of these military officers and the Dean are alleged to have violate 18 U.S.C. Conspiracy. This adds to the polarization of our government and is equivalent to the January 6 attempt to overthrow our democracy.

**On November 11, 2022** the TCU cheer leaders post "Veterans, thank you for your service". This was an invite to the Armed Forces Bowl, December 22, 2022. TCU actions about Veteran fans and best business practices are in question for NCAA's leadership determination regarding the NCAA constitution.

Deceptive trade practices show recurrence noting Media Assessment in Exhibit D

"Texas Sexual Assault Case Settled"

"Heisman Trophy candidate tailback turned in".

"NCAA finds fraud at TCU – a pattern of willful violations".

"TCU Chancellor: Patterson Shares Apology Tuesday for Use of racial slur" – NBC 5 Dallas – Fort Worth

"TCU fired Gary Patterson Revealed"

"TCU faces another discrimination lawsuit, aimed at 'entrenched institutional racism' March 15, 2022

"NCAA GIVES TCU HORNED FROGS THREE YEARS PROBATION JUNE 29, 2021"

"TCU ATHLETES VIOLATE NCAA RULES (DEC 2019 TCU Public Infractions Decision" 12/20/2019

"Biden signs executive order to address racial in equity 02/16/23"

On November 1, 2021, "TCU fired Gary Patterson Revealed" was published. Patterson defends his resignation to "stop the noise". Here, TCU transparency and misrepresentation is questioned.

**Exhibit page number 17 (E-17)**

The statement is misleading because in it appears as controversy and in contrast to the 10 million dollar settlement. Although the settlement was executed in response to the law suit **Exhibit B**, in secrecy, that strategy was likely a preferred strategy so that TCU could play the championship game and not be challenged, and so that the Chancellor can retain his salary, ranked 30 in the country. Baylor University President Ken Starr was ranked number 1 at a salary of 2.8 million. This does not allow for the transparency that NCAA stands for. Biden's signing of Executive Order 13985 was to address system barriers that hold back advocates of racial equity. The email located at Exhibit Q is entitled "Re: [EXTERNAL] Help with VA systemic issues and prevention of Foreclosure Scheduled for Sep 6, 2022). Reference is made to the Bright Affidavit which is Exhibit C admittance of TCU conspiracy, and to the NBC video August 4, 2020 where alleged black athletes protested by skipping practice. Executive order 13985 saw funding go to places like historically black Colleges and universities to help close racial disparities. The NCAA preamble "Diversity, Equity, and Inclusion" is a basis for this complaint.

NCAA opened the investigation on Michigan and has now opportunity to produce findings on TCU for each of Grievant's infractions culminating in the TCU eligibility for the January 9, 2023 championship considering TCU was already in a probation status and was not transparent

NCAA does not want to ignore circumstantial evidence - the cry of a 12 year old child and her PTSD, as she sets in the military sedan guarded by a man in uniform as her dad, a varsity ROTC coach, and honor graduate of the most elite training environments in the history of the Infantry. A factor why this grievant was hired was because he scored the highest possible score on the Army Physical Fitness Test. But the result of challenging TCU discrimination was a TCU order for psychiatric evaluation. See daughter statement at EXHIBIT C.

Affidavits of Conspiracy regarding TCU, and Patterson's "surprise" firing reaches a breaking point for probable cause. Continued intimidation and lack of due process and conspiracy for long standing and continuous violations of the NCAA constitution questions TCU "good faith" to fully disclose a secret for 37 years an their continued effort of conspiracy with mistreatment to this Veteran for all athletic activities in the basket ball and football stadiums, as of February 15 2023 TCU v. Iowa .

**Exhibit page number 18 (E-18)**



History will reflect TCU's profit over player integrity, profit over law, profit over children introduction to sports. It resembles Rosewood a well kept secret for 60 years where the Governor of Florida, according to Dr. Rose, signed the 1994 Compensation Act or in today's example where a Florida hospital generates 16.4 billion revenue, 78 million in compensation, yet a surgeon reports a cock roach on a steryl instrument tray. Please respect a Division's Army Chief of Staff assessment of TCU, Exhibit C.

On December 22, 2022 TCU is defiant to NCAA policy on several counts as follows: **The grievant** was reevaluated and the removal from TCU was characterized as arbitrary and contrary to the principles of equity. Put more concretely, TCU aided and embedded a questionable Army investigation which ignored conspirator misconduct to violate Article 134 Uniform Code of Military Justice. Article 134 criminalizes all disorders and neglects to the prejudice of good order and discipline in the armed forces and all conduct of a nature to bring discredit upon the armed forces. Like wise Coach Sonny Dykes and the Chancellor Victor Boschini discredits NCAA.

**EXHIBIT J Inspector General SERIOUS ABUSE OF COMMAND AUTHORITY.** The IG's testimony was sufficient to overturn the TCU decision. He writes: "I have examined the evidence ... Rarely will the service find a more patriotic and courageous soldier". Then TCU's highest achiever, Todd Weiler (Assistant Secretary of Defense (Manpower and Reserve Affairs) from the Secretary of the Army writes: "Major Boswell seems to become a target. I have no doubt that without Major Boswell's intervention on my behalf, my life would be much different today". And after seventy - two strong endorsements, and character references at Exhibit A, the Secretary of the Army tried to make the TCU whistle blower whole once again. TCU resisted remedies constituted by law and continues to apply pressure but by doing so they violate the NCAA constitution and the U.S. Constitution.

TCU 's vengeance did not quit. INFLUENCE was allegedly spent in solicitation of the Department of Justice to believe TCU has not violated the law. The statement that TCU pledged to the Army's retention board was this:

**Exhibit page number 19 (E-19)**

TCU employee "The Professor of Military Science" states: I consulted with the Inspector General and "Nothing was substantiated" and "no improprieties were found".

This was perjury but now is inferred as alleged TCU violations of Bribery, Coercion, and Abuse, as successfully argued in a "like" lawsuit under similar circumstances in analogy, related by Senior Officers of Attorney General (OAG) in the same court, the 250 Th judicial court as grievant's suit. See page 9 and page 10 of "Brickman et al v Office of the Attorney General, Cause D-1-GN-20-006861. Exhibit N is the account of "Bribery Texas Penal Code 36.02, a second degree felony, Coercion of a Public Servant section 36.03, and Abuse of Official Capacity 39.02".

One can see that the athletic infrastructure is influenced by 36.02, 36.03, and 39.02, and in a similarly identical FBI sting operation with TCU. Furthermore, Grievant now implicates that the loss of the grant money found by the 5<sup>th</sup> Circuit (Exhibit N) is tied to grievant's complaint to the Texas Rangers and to the Department of Education listing TCU as a respondent and the State Board of Education with oversight.

But by the Grace of GOD one conspirator came forward ten years later then several more followed. LTC Bright provided the smoking gun that remains an inference for Chancellor Boschini and Coach Patterson. They each provide misleading testimony to the public, and their athletic players. As players read the results of the infraction investigation, players will hear truth regarding the allegation that TCU violated NCAA policy and an infraction culminating in 8 U.S.C. 2384, seditious conspiracy with regard to Major Boswell who was a NCAA whistle blower with 2 reports to NCAA.

## **EXHIBIT K LETTERS TO LAW ENFORCEMENT AUTHORITIES .**

The conspiracy is classified in this manner because of TCU intimidation involving the disappearance of a black TCU employee witness to the whistle blower investigation. The conspiracy escalated as grievant cried for action in a letter to the Texas Supreme Court former Justice, Wallace Jefferson: "Both organizations TCU, Fort Worth and ECISD, Odessa are involved in conspiracy to commit Fraud and Rico... " and 72 mass shootings in Texas and call for action. NCAA's call is to investigate these infractions to avoid polarization, paralysis and inaction.

**Exhibit page number 20 (E-20)**

Exhibit K includes letters to **Texas** Ranger Commander, Hank Whitman April 2, 2012, Senator Ted Cruz, dated August 14, 2014, Donald Trump May 4, 2016, and Governor Abbott July 23, 2017, Justice Wallace Jefferson February 25, 2015, and others.

With the 4 senior OAG officials settlement with the Attorney General Ken Paxton for 3.3 Million, Grievant now alleges education program fraud of \$ 33,301,428, violation of the Texas Whistle Blower Act, misrepresentation to the NCAA and execution of an unlawful contract which allows TCU to collect revenue from NCAA athletic events without compliance to contractual protections for inclusion and diversity and on the grounds of Veteran disability and Veteran Status. The whistle blower letter to Senator Ted Cruz is alleged to be tied to a wrongful death claim of Veteran John Rohmfeld. His affidavit of repairing government vehicles involved the IRAN CONTA U.S. Involvement and it is alleged that the FBI conducted an illegal raid without a warrant.

- page 28; “Boswell's complaint and grievances cite practices of coercion, fraud, overreaching intimidation, undue influence, and harassment”.
- page 31: Boswell quotes Veteran Rohmfeld “I believe Senator Cruz....” Then the Veteran mysteriously and suspiciously dies February 25, 2015” after he had just earned, after all these years his new pension and back pay.

**EXHIBIT L. Don Ezell Recommendation to the Texas Christian University Board.** The question for Coach Dykes is “do you concur with “peer” Don Ezell athlete's assessment”. Colonel Ezell is equal in stature: **“TCU should bear responsibility”**. If so, his statement may end the scandal and honesty and remedy may begin. Veterans will be able to attend events on TCU campus. Or must we find another solution noting that Texas legislature House of Representatives No 664 resolution where Baylor University has admitted that not less than 34 football players assaulted over 52 young women over the span of five years. TCU Administrator Nathan Lynn for thirteen years says this in his affidavit: “ In the interest of the integrity of the institution, I urge the Department of the Army, Texas Christian University and Chairman and Members of the Board of Trustees to consider my testimony .... I would very much like Major Boswell to be awarded damages.

**Strength of military leadership will be counted.** Here lies our countries strength and our country needs to count our blessings when Navy Seals, as Ron DeSantis, the Governor of Florida, steps up to the plate. Another hero is Air Force Chad Hennings, 3 time super bowl ring holder. Chad recruited grievant to be a Wing-man in a Christian based organization for character enhancement for all men. Since the NCAA has a strong, commitment for military leadership, as the first hero ( the Air force POW, exhibit a ) now read an athletes assessment who went to TCU. Exhibit N. He writes " CHAIRMAN & MEMBERS OF THE BOARD OF TRUSTEES" addressed to TCU Fort Worth Texas. His 2<sup>nd</sup> paragraph begins: The forgoing information is provided, only to validate my competency as an ombudsman. Then he mentioned his TCU football scholarship, as a Letterman and goes on three tours in Vietnam, a full Colonel, Commanded 2 Artillery Regiments, 27 decorations with seven battle scars, on and on. Purple Heart two RVN crosses of Gallantry!

#### **EXHIBIT M. NCAA INFLUENCE ON THE UNIVERSITY INTERSCHOLASTIC LEAGUE**

Kind of like ROTC. At College level we have ROTC and at high school level we have JROTC. We need to help one another out. Recruiting is big business, and it must be done respectfully and honestly. There are rules and they are compatible with NCAA rules for example. When a player is ineligible, section 27 (c) (3) applies as well as section of the Texas Education Code 33.0832. Grievant was also a whistle blower at Ector County Independent School District ECISD filing 12 official grievances. Grievant met with the Permian High School Principal and with the District's President of the School Board (August 17, 2011) and came to a conclusion that members of the District Staff and the School Board knew of UIL infraction and that the Coach recruited the ineligible player, and allowed the player to reside with the coach. ECISD Chief of Staff Investigator Bryan Moersch and Board member Dr. Donna Smith are alleged to be conspirators and have falsified documents. Boswell now has evidence besides that of October 6, 2011 to further request prosecution and resignation of wrong doers. Boswell establishes that ECISD and TCU separately and jointly violate the law and now documented by the Veteran Affairs claim for reinstatement and damages. Look at all the NCAA accounts of infractions. TCU was asked during discovery.

**Exhibit page number 22 (E-22)**

"TCU has never breached a contract" TCU is in total compliance with state and federal processes". TCU answer is "admit". Page 4 Affidavit of Attorney Misconduct. Then how is it that TCU was caught in a FBI sting operation? And how does NCAA justify that when a whistle blower approached the NCAA, that whistle blower is prohibited from attending events? Boswell writes TCU in a request for admissions that he has demonstrated a belief that TCU is indifferent to the NCAA. Grievant shows TCU law suit for a breach of contract with the Big East Conference. Exhibit R.

### **EXHIBIT N Fifth Circuit's ruling Number 18-60500; ALLEGED FRAUD**

The facts are partially found in Texas Education Agency verses United States Department of Education Petition of Review of a Final Order of the Secretary of the Education. Under the Disabilities Education Act a state may ..... provided it complies .... Here obligated missing program funds is fraud of \$ 33,301,428. Grievant accepted the fact he would be subject to adverse personnel actions e.g. sexually harassed, intimidated, tortured and fired by these entities subject to the Governor's oversight and leadership.

Grievant contacted the police of the City of Killieen Texas to investigate the bullet lodged in the entry way of grievant's home and contacted the ECISD police concerning the sexual harassment.

Contact with the US. Attorney John Bash requested **RESOLUTION AND CRIMINAL PROSECUTION for:**

- Violations of programs required by federal law or programs for which the public education agency receives federal funds including
- Misuse of federal or state funds by a public education agency
  - Conditions at ECISD school district that present a danger to the health, safety, or welfare of the students
  - Violations of duties defined by statute and rule of school district boards of trustees, governing the Superintendent and chief of staff
  - Violations of TEA oversight procedures
  - Falsifications, fraudulent misrepresentations, or manipulations of information, including manipulations of records, reports, data, forms, statements of assurances, or certifications submitted to TEA

**Exhibit page number 23 (E-23)**



- through the Public Education Information Management System (PEIMS)
- Educator misconduct

**ON PAGE 2, TEA Commissioner accountability**

**The City of Fort Worth fails to enforce City Ordinance 14333, section 17-47 (unlawful acts and public policy discrimination, lack of accommodation, and employment practices).**

**disbarment for each attorney participant in this injury (Veterans Affairs July 6, 2015), subject to the Texas penal code, and disbarment rules.**

**Notice of service (section 17-101) noting DOD Inspector General Whistle Blower report # H94156226017 finding of retaliation, and career reinstatement and grounds for "Constitution" equitable treatment.**

**rape at ECISD, and with 3 TCU horn frog athletes gang rape of a scholarship student in the TCU dormitory**

**athletic infractions of rules**

**Governor's letter to Mr. Morath.**

Where did the finances go – the lost \$ 800,000 in the ECISD District. ECISD committed Perjury in the Federal Court after Judge Counts published document 32.

Fifth Circuit Court answer is: "The petition for review of the final order of the Secretary is denied" per Fifth Circuit Court of Appeals adjudication of Texas Education Agency (Petitioner) verses United States Department of Education (respondent) on Education NO 18-60500, filed November 7, 2018). The missing money had to come from somewhere. Because of Texas non compliance, Texas citizens had to compensate for 33.3 million dollars.

**Exhibit page number 24 (E-24)**

It is assumed UIL across Texas had a shortfall. Part of the money came from ECISD and it was taken from the ROTC budget see **Grievant complaint number 1**. EXHIBIT P alleges fraud. When NCAA membership exercises fraud it depicts a leadership model serves to UIL membership, and is unacceptable.

**EXHIBIT O Document 32** is Judge David Counts assessment on ECISD alleged misconduct. The Judge's experience as a Texas Guard Jag Officer, and his research, diligence, and finding of sustained injury of First and Fourth Amendment infringements are undeniable for a jury assessment.

The conspiracy was exacerbated on 2 earlier occasions regarding raids. The first was performed on the TCU associate professors' office at TCU. The night before I had a dream Something told me in the middle of the night to secure a second copy of the documents supporting a felony offense, Texas 32.45 enclosed. The second raid was in Odessa Texas at the Odessa High School. DOD not only corrected the military mistakes but tried to make the whistle blower whole again. Conspirators conducted both raids without a warrant and confiscated privacy information and the computer. For both events, unconstitutional in nature, grievant was in the midst of compilation of NCAA grievance data, submitted December 18, 2014. Campus police escorted grievant off campus in front of students athletes and colleagues. The raids left a lasting stigma and nightly anxiety and fear of retribution and remain the reason why teachers and soldiers are vacating promising careers contributing to a national shortage.

The Department of Army exercised due process and now it has come back to haunt the University. Boswell affidavit complains of deaths on April 28, 2016. Grievant complains of **Texas fraud** to the Federal Western District of Texas, Attorney John Bash, January 17, 2018 and to FBI Director Bill Comey August 14, 2014. These complaints of the government's abuse of power and the TCU agenda as described cost even DOJ employees their jobs. In light of the removal of the top four senior Office of the Attorney General employees, the Texas Third Court of Appeals ruling, and the 3.3 million dollar settlement, the grievant questions US Attorney John Bash FBI Director James Comey, and Texas Ranger's Hank Whitman's departure from the work force.

**Exhibit page number 25 (E-25)**

**EXHIBIT P Grievant 12 official grievances.** GRIEVANCE 2 details a repetitive offense and explains the first arrest and wrongful search at TCU also without a warrant. I explained to my supervisors that doing this would be against the law. This violates the No Child Left Behind or NCAA guidance on Inclusion. It was problematic that TCU failed to recognize their advertisement of internal fraud. Had every administrator performed his duty as the 2<sup>nd</sup> Armored Division Chief of Staff witnessed, Texas would be \$ 33,301,428.00 richer. Fraud breeds Fraud. This money affected the day to day operations of a coach's budget, Texas wide. Some grievances recommended the Texas Attorney General direct a fine of \$ 15,000 fine against each violator

Loosing the grant money because of non compliance places the School Districts in precarious situations and the resolution was often illegal fund raisers, and misrepresentation. Prior to the Appeal's Court ruling against Texas Education Agency, and in favor of the Department of Education, Boswell provided a whistle blower complaint to the Department of Education naming TCU and oversight Authorities, State Board of Education and Texas Education Agency as respondents. Yet these salient facts were not disclosed. The FUTURE of Texas education goals including those extracurricular activities beyond football erg. Maria-chi, Choir, Chess, Golf and ROTC etc Programs were either stopped or curtailed. The high School senior's dream to play NCAA sports were limited in various forms. Without the extracurricular activities, some were impacted with lack of motivation and self esteem to achieve higher education goals and endeavors.

**Exhibit Q . Injury documented by Veteran Affairs.** Would the grievant experience the injury had it not been for TCU misconduct? Standing is illustrated by injury aggravated each time there is an event at TCU. The VA medical board and Psychologist evaluation documented a disability of 70 % and the VA diagnosed an additional 10 % physical disability regarding hearing. By 2015, grievant had a suit case of files and electronic privacy documents to support TCU constitutional violations and proof of each of the elements in a Texas Whistle Blower claim and claims arising of a constitution infringement 42 U.S.C. & 2000a Title II of the Civil Rights Act (Public Accommodation), law violations and report of NCAA infractions that TCU failed to disclose as KS rape, illegal athlete recruitment, and the TCU coach's use of the N word.

**Exhibit page number 26 (E-26)**



Additional exhibit list the contact with law enforcement including an email to Mr. Perez Deputy Secretary of Education and interview with Commander of the Texas Rangers, Austin Texas. Cheating on TEKS test and the firing of Principal Shetter as the Odessa High School Principal, and the loss – return of of the State basketball championship created a back drop of shame, embarrassment, and humility. It caused an excess of drop outs, more Ector County pregnancies, and an exodus of 21 unhappy teachers just in the high school. I briefed the Board before they voted to fire me, and the whistle blower written presentation delivered to each board member, and (supplemented by oral remarks for each page) was required to be recorded in the open meeting compliance statute and undergo Texas Education Agency oversight review for legality. Forfeiting this important benefit is reason for reinstatement.

The Article from ESPN "Greenwich Montimer sentenced to prison" involved two counts of sexual assault and three counts of tampering with government records. Sports reporters took no time to zero in on Texas athletic corruption, as the star player was age 22 yet posed for age 16. What the article did not say is that the player resided with his coach, was the lead player for the State basketball championship, and the District was charged with a UIL infraction and forfeited the State championship. I learned in the Army on active duty as a field grade officer that incompetent leadership always looks for a scapegoat. Here, I had reason to believe that all the school board members and each of the respondents on the 12 grievances specifically Superintendent Pace, Mr. Moerish Chief of Staff, Mr. Quintella, Mr. Bell knew that fraudulent player lived with the coach and the District was cheating in the same manner as the District cheated on TAC tests.

Grievant was frustrated with the sexual assaults at TCU and ECISD and misapplication of money \$ 14,000 and \$800,000, respectively. Reporting the corruption to the law enforcement authorities, to the Inspector General and Texas Rangers April 4, 2012, and to the County District Attorney was the cause and motivation for institution retaliation. The follow up request to the U.S. Department of Education November 20, 2012 ended in the TCU ban from all property December 10, 2012. LTC Bright reported to the Secretary of the Army the lack of due process, and his admission for his role in the conspiracy.

**Exhibit page number 27 (E-27)**

Frankly, I was proud of my 142 cadets including 25 special education and so proud of my first Principal Ron Leach and ashamed for my second Principal, Denise Shetter, who was fired after Superintendent investigated the Army officers complaints.

In order for the VA to diagnose the PTSD, they evaluated the injury of Stressful incident 1. Concerning a new action pursuant to the False Claims Act, which I ask the government to pursue because our Department of Defense is degraded when TCU escapes accountability.

**Who.** TCU Dean McCracken. Letters shown at Exhibit I show to the TCU students TCU account of misrepresenting the facts and defaming the officer's character.

**When.** 06-15-1986 thru 01-30-1987.

**What and How.** The statement is provided in this VA Exhibit - Support of claim for service connection for Post -Traumatic Stress Disorder on VA Form 21-0781 page 1.

Stressful Incident 1 reads:

"I reported protected disclosures of unlawful activity (rape of a cadet, later the disappearance of an Afro-American, violation of Texas law, Racism, violation of privacy, violation of First and Fourth Amendment, Violation of Cadet Command and Texas Christian University faculty and Student policy, resulting in cover up military investigation. The command and DOD contract employer conspired and abruptly removed complainant from ROTC duty causing injury to family. The retaliation continued and has caused injury to family, and to additional incidents, subsequent events and to PTSD. Because of this incident , TCU provides a no trespass to this Veteran even after Department of the Army and US Senator Sam Dunn required vindication and remedy".

Other **sources of information** included on VA Form 21-0781a was the DOD whistle Blower Inspector General Investigator LTC Gibson, Honorable Sara Lister, Assistant Secretary of the Army and Hank Whitman, Commander of the Texas Rangers .

**Exhibit page number 28 (E-28)**

Stressful Incident No. 2

**WHO:** Employees of TCU

**When:** 02-01-1987 to 04-12-1989

**What: and How?** Cover up of a TCU RAPE, conspiracy, and death threat meant to dissuade future employees to report to the Authorities and to NCAA to come forward with protected disclosure. VA Form 21-0781 a is included at Exhibit I for your assessment. It addresses the death of a soldier, adultery violation of Article 134 UCMJ and a 6 page report to CID Exhibit G, alleging corruption at TCU, and now Army Wide and Teacher wide lack of trust such that teachers and service members are difficult to recruit . Imagine the pain being reduced from Army Major to Army Sergeant and performing as Army Sergeant for 7 years, and witnessing the death of a supervisor because of his alleged conspiracy role, and a second finding of reprisal found by AR 15 -6 investigating officer, a Navy Captain.

Other **sources of Information** included on VA Form 21-0781a was the TCU alumni Don Earl Ezell USMC Colonel Retired, James Bright employed at TCU whose admission to the conspiracy is at Exhibit C with several others, which was cause to turn over the retention board's findings and place Texas National Guard Sergeant Boswell back on active duty as Major Boswell with restored rank and back pay to be awarded a 20 year retirement.

Injury continues which gives the retired officer standing to seek accountability for all TCU conspirators, including Chancellor Boschini and to apply to the VA for additional compensation and for diagnosis for unemployability for discrimination from 1987 to December 22, 2022, as described in this letter.

On 05-02 - 2015, I provided to the VA a packet of 13 conditions of deterioration of health, VA form 21-078a page 3 which will be updated on my pending upgrade. VA Counseling since 2016 has spared my life from being a wreck.

Exhibit page number 29 (E-29)

**In additional VA form 21-0781 the whistle blower witness "disappeared during the investigation" is presumed dead .**

**Why.** TCU avoids the NCAA death penalty at all cost and the results of a an Army Officer whistle blower that specializes in Military Intelligence that can tie all the events together as was accomplished with the Department of Defense letter and with the the Department of Veteran Affairs and the Texas Veteran Affairs. **TCU depends on NCAA revenue, and funds from the Department of Education, Department of Defense , and Department of Veteran Affairs.**

**EXHIBIT R** is the permanent ban and the violation of federal law and the newest version of the NCAA constitution and Bylaws . Notice the Department of Defense Inspector General addresses the whistle blower partial government correction to Sergeant Boswell with additional instructions to go further. Emphasizing the TCU order for silence was against NCAA Preamble Principles of Equity but never lifted. NCAA according to BYLAW 19.7.8.3.1 bylaw may accept TCU story as part of the due process but does not have to accept their cover up considering the FBI sting and high level DOJ as true because the Department of the Defense and Tod Weiler and conspirators provides ample evidence that TCU Defense should be accepted as not true. In spite of DOD military corrections, the TCU response was a recipe for shame. The TCU letter December 10 , 2012, permanent ban from campus represents fraud against the NCAA and proof that would scare away any whistleblower and would dissuade any one from called TCU out. That was the reason the FBI engaged in an undercover operation. PTSD is my injury and it is multiplying daily because of TCU's failure to honor all Veterans on December 22, 2022 and failing to comply with **NCAA principle F** Diversity, Equity, and Inclusion and **Principle E** Institutional Control. Please ask TCU to produce materials disclosing all facts in concert with Bylaw 19.7.8.3.1 and 19.2.3.2.1. There innocence hinges on following the proper process for investigating all of which the institution is accused of doing. Whistle blower KS asserts TCU recruited Recalcitrant athletes, 3 of which were responsible for her gang rape and the reason for her hospitalization. How much is the Employment practices Liability Insurance and describe the claims? "Those who come forward with complaints with NCAA violations are protected".

KS was a whistle blower against TCU and I took her complaint to law enforcement. I consider the complaint legitimate and it should have been investigated before the alleged \$ 10,000,000 settlement so to substantiate the integrity of the institution. Baylor University's self imposed punishment was transparent, unlike TCU. As long as Sergeant Dunlap remains missing, or is presumed dead, my prohibition to attend the Armed Forces Bowl will continue to be a ripe NCAA complaint. Two articles are included which address the NCAA whistle blower.

The first is written by Tiffany Releford and published February 10, 2020 and is entitled The NCAA Process. The second is written by Adam Epstein published in Spring of 2018, and is entitled The NCAA and Whistleblowers. It is unfortunate that TCU has allegedly obstructed justice and that victim "KS" complaint about Coach Patterson and Chancellor Boschini and TCU's case history was not documented in either of these articles. Sergeant Dunlap and my testimony resounding in my NCAA complaint make reference to injury and ten affidavits alleging racism and conspiracy. I hope you will accept the horn frogs gang rape in the TCU dormitory in violation of Article 1 NCAA Preamble "H - Recruiting Standards". Exhibit N is the account of "Bribery Texas Penal Code 36.02, a second degree felony, Coercion of a Public Servant section 36.03, and Abuse of Official Capacity 39.02". The article DOJ prosecutors in DC take over corruption probe into Texas Attorney General by Hannah Rabinowitz CNN February 17, 2023 should encompass my letter to Governor Greg Abbott ATTN Criminal Investigation Division Exhibit K. Expert Testimony packet is provided by Herff Moore, PhD, SPHR. His affidavit reduced to 2 pages is entitled Texas Christian University Deliberate Indifference. He references Appendix 1 entitled "Major Boswell packet concerning employment at TCU and contains seventeen sworn Affidavits and Statements, his research Appendix 2, the "KS" case Appendix 3, and TCU's breach of contract and law suit The Big East Conference verses TCU, and he request production of materials e.g. Title IX Financial and Clery Compliance Records. TCU failed to provide discovery materials and this NCAA whistle blower infers a lack of cooperate cooperation and guilt according to each of the affidavits at Exhibit C illustrating conspiracy, and negligence on the behalf of the City of Fort Worth Texas.



Failure of Chancellor Boschini and Coach Dykes to engage in cross examination of an infraction investigation Bylaw 19.2.3.2.1 to address the conspiracy of a hate crime and what is alleged in discrimination law suits and inconsistencies infer negative connotations.

Coach Dykes is obligated to defend inconsistency with NCAA policy and the prohibition of a former student to attend games November 12, 2012 and December 22, 2022, February 14, 2023, . All the Coach and Chancellor had to do is to read the Marine's assessment and recommendation. Their is an obvious nexus connection between the KS law suit identifying Patterson and Boschini as defendants and the Patterson firing, and TCU's alleged pay off to buy their way into the championship. I believe the pending suit against the State Board and exhibits will take a toll on University corruption, and the deadly rampage at Michigan State mass shooting is a consequence, and could be related to the former Michigan state basketball player Keith Apping pleading guilty to murder, and girl friend plead to lying.

In the interest of equity, there is an appearance that the TCU RAPE settlement pay out cancels TCU negligence and gives opportunity for misrepresentation. It is unfair to other NCAA members because TCU is private and rich, but a black college is usually state supported and poor. TCU and ECISD ROTC budgets are robbed when allocated funds are withdrawn from the programs because of fraud. Fans and citizens are robbed because education funds are transferred to fund legal departments with an unfair consumer burden for raising property tax or tuition to defending corruption.

Attorneys are not accountable to the Commission on Ethics. The institutions may have difficult guarding against leaks. ECISD leak was a memo the ECISD Chief of Staff writes that these actions concerning the special education population are legally indefensible. TCU leak was the Bright Conspirator and the TCU Line Backer who complained on twitter that Coach Patterson used the N - Word. Victor Boschini had knowledge of the fraud. At TCU, 10 million dollars seems as a secret penalty for sexual assault of an athlete violation of NCAA by law and defense to recruiting recalcitrant athletes.

**Exhibit page number 32 (E-32)**

**NCAA launch** of this investigation will preserve fairness equal to the Baylor's discipline, and new life. It may as well bring accountability to the provisions of the Sherman Antitrust Act, the Texas Whistle Blower ACT, and Federal whistle blower act of 2021. More importantly, the notion of an unjust enrichment will be remembered as inappropriate and undeserved.

TCU can not truthfully say the University is eligible for the 2023 football championship in the Georgia vs TCU game. TCU's misrepresentations, concealment, and omissions concerning their goods and services were materially false statements that induced the KS defendant and parents to attend TCU. **KS** cause of action EXHIBIT B, addresses this. Coach Patterson and Chancellor Boschini JR. are listed as defendants.

**Per NCAA policy** (Adopted: 1/20/22 effective 8/1/22) **32.7.3 Statute of Limitations.** This complaint involves the exceptions to the statute of limitations. Complainant develops a set of facts which clearly perpetuates fraud by misrepresentation and deceptive trade practices, and the exclusion from games gives current standing.

**NCAA and UNJUST ENRICHMENT** Profits over health violates NCAA principle. Best business practices must be in line with NCAA policy in order to participate in NCAA events and to share profits. Infringement on grievants, whistle blowers, Veterans may involve class action, commonality, and predominance for **1) Common Law Consumer Fraud, Deceptive Trade Practice and Bad Faith Conduct** (See Bright Affidavit EXHIBIT C) **2) Conspiracy to Commit Common Law Consumer Fraud and Deceptive Trade Practices 3) NCAA and Texas Rules Against Misleading Practices and Advertisements 4) Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C & 1962 (a), (b) and (c) 5) Antitrust to 15 U.S.C. & 1 6) Public Nuisance pursuant to 32 L.P.R.A & 2761 anything injurious to health ... as to interfere with the comfortable enjoyment of life or property 7) Strict Liability – Failure to warn (for student registration and attendance) 8) Negligence to law and NCAA policy and 9) Unjust Enrichment.**

### **NCAA Article 1 Principles**

This complaint to the NCAA, its President and to Division 1 College Management involves:

**Exhibit page number 33 (E-33)**

**NCAA Article 1, (b).** Allegations in a case in which information is developed to indicate a pattern of willful violations on the part of the institution or individual involved, which began before but continued into the four-year period.

**NCAA Article 1, (c).** Allegations that indicate a blatant disregard for the Association's fundamental infringement on a Veteran privilege earned to attend public events of the University's campus. Practically all NCAA members are in compliance, and practice ethical conduct. TCU's scandals are repetitive. TCU already has paid a heavy price for misguided love and loyalty to their Alma mater with the following: 1) An alleged Board member and their boosters misconduct 2) the allege mishandling (and buy out) of Title 1X complaints 3) an alleged acceptance of 2021 and 2022 federal funds without compliance; payments to athletes, and student drug and rape involvement. Ask the question did TCU accept federal funds? Did TCU deny Major Boswell to be on TCU property.

Two yes's equals prosecution. But what happens when the prosecutor is controlled by a certain political party ally and arbitrarily fires the prosecutor. I believe this has happened on my watch three times.

**This allegation is against head Coach Sonny Dykes** because the coach has the clout to change culture and institution behavior. DYKES was the coach on December 22, 2022, the worse day of my life because on this same calendar day, TCU tried to hurt my family (see the TCU letter) and stooped to lowly tactics to discredit the whistle blower. The rape statement detailed the conspiracy and it is redacted. TCU solicited military officers to execute a flawed agenda.

Part of the flawed agenda were unconstitutional raids – infraction of the First and Fourth Amendment. The same daughter who describes details surrounding the conspiracy invited me to the Armed Forces game. She had forgotten that I was banned from TCU property.

No statute of limitations can be pleaded for this infraction because the allegations and losses are continuous: The injury worsened. TCU accepted money for hosting the Armed forces day assumed by contract. The money accepted was an unjust enrichment, because targeted veterans could not attend. American Legion Post 379, wanted this member to

**Exhibit page number 34 (E-34)**

attend but had no idea grievant was subject to these rules. They are far more equipped to handle harm to a Veteran with sufficient departmental resources.

**C. NCAA Policy on Integrity.** Here, due process is lacking. Grievant is banned from entering TCU property and Amon G. Carter stadium where games are played. Count 1 the University of Texas plays Texas Christian University on November 12, 2022. **Exclusion violates NCAA policy.** On Count 2 the Armed Forces Bowl 22 December 2022, complainant had two invites: 1) Daughter and Air Force Veteran son in law had intention to attend the game, Baylor verses Air Force. 2) Post 379, American Legion invited members such as this Army Ranger to attend the game. Grievant report to **CID**, Exhibit G **Ft. Hood, Texas contain terrorism, and a death threat** by a full Army Colonel and this fear of harm is a systemic flaw for the death of Vanessa Guillian and the Congressional SHARP report on sexual harassment.

**Retribution to NCAA whistle blowers.** In comparable instances NCAA member University of Baylor chose to replace their Coach Art Briles and Chancellor Ken Starr. On December 19, 2014 complainant filed his whistle blower complaint with NCAA. On June 19, 2016 grievant filed police report # 16-00 7766. Complainant had probable cause to suspect a unknown conspirator of a scare tactic. A pierced bullet remains lodged in this litigator's and decorated veteran's residence in a third wall with a point of entry pierced in the garage back door in a wall-head-high. The police took photos and a police report was written but will not be released. Grievant filed violations of law with the Texas Rangers January 17, 2018. Grievant provides a list of statute violations.

An inequity before NCAA is that other Texas alumni, as the Governor of Texas, may include grand children as participants to view this game. This Veteran can not. Respectfully, Complainant was legally bound to honor the no trespassing letter from the General Counsel of Texas Christian University.

Remember the Baylor Chancellor saying that the school works "tirelessly" to provide a safe environment, and that rapists "will find no shelter on our campus." And remember the findings to the Baylor Board of Regents painting a different report leading to the removal of the coach and

**Exhibit page number 35 (E-35)**

Chancellor. While Penn State and Baylor University consented to an Independent Investigation, this grievant alleges Texas Christian University violated the law, and this officer's assessment contained 22 allegations provided to the Army Inspector General, showing TCU negligence. DOD and Department of the Army concluded Reprisal.

TCU education fraud the lack of institutional control by the Institution and by oversight authority Texas State Board of Education and Texas Teacher Agency. In addition to non compliance at TCU, the District was cited for 21 of 40 schools, rated as unsatisfactory. The UIL required the District to forfeit the Texas State basketball championship. Grievant attempt to the State Commission on Judicial Conduct was unsuccessful but the Commission was made aware of the bullying and the bullet lodged in the grievance's home per police report # 16-00 7766, June 19, 2016.

**Joint conspirators TCU and ECISD were engaged in program fraud.** Fifth Circuit Court of Appeals affirmed the order of the Secretary of Education. The loss of the grant was affirmed. Because of lack of compliance. The question of criminal fraud of \$ 33,302,428, and criminal prosecution may be a Department of Justice decision but NCAA can consider the mitigating circumstances as it pertains to an NCAA member's integrity, and to make the NCAA complainer whole again.

Grievance accepted the Trustees action to fire the Odessa High School Principal for alleged misconduct: requirement to change a grade from incomplete and misapplication of fiduciary money of \$ 800,000. The state's lack of compliance involving special education significant impacted the States' athletic and extracurricular programs.

Coach Dykes, TCU coach is challenged, because he inherited previous employee tainted performance and reputation. As example, Sergeant Major Fant states in his affidavit: I would not be surprised if he "Sergeant Dunlap was an employee at TCU) is dead and is victim to a hate crime" .

"I believe the University was a joint conspirator against Major Boswell". Major Boswell was not afforded due process. LTC Stacy fought hard to deny Staff Sergeant Dunlap a TCU assignment. Sergeant Dunlap disappeared, vanished" says Nathan Lynn, TCU Administrator.



Player misconduct is key but more hurtful was the display of the lack of ethics and integrity at the TCU higher levels, e.g. with the TCU General Counsel and with the Board of Governors under oath testimony regarding misrepresentation during discovery.

Lieutenant Colonel James Bright's admission to the Texas Christian University and the Department of Army Conspiracy should not be punished because he is the only witness telling the truth. "I regret, even though under orders, that I was a participant in the University's and Army conspiracy to remove this outstanding officer from an ROTC assignment and from active duty. Before his statement, the minority speaker of the Senate Armed Service Committee directed Department of **Defense Whistle Blower Investigation H941562260017** pertaining to ROTC duty at Texas Christian University. The Investigative reported the Army Discharge Review Board findings and the Army Board for Correcting Military Records found reason that regulations were violated and ordered the whistle blower to be reinstated with back pay. TCU ignored the directive which is the culture Coach Dykes may have to address.

Here this whistle blower should be afforded federal protections and NCAA has more fairness and reason to do things correctly as making any whistle blower to NCAA whole again. TCU lack of vigilant reform was cause to **EXHIBIT B Cause Number 141-233239. This scathing review for the second time addresses** TCU conspiracy of Chancellor Boschini, Coach Patterson, and Chief of police.

On December 19, 2014 complainant provided a **consumer whistle blower EXHIBIT F** that TCU continues to violate NCAA policy. In retaliation, TCU stands firm on a no trespassing ban which sends a message to all who complain to NCAA, that (you) will be punished. Grievant documented the corruption to law enforcement of TCU and ECISD to Donald Trump on or about May 16, 2016. Grievant believes as a result, the conspiracy effort by Governor Abbott, Texas Education Agency and the Texas Board of Education worsened giving rise to two pending law suits: **EXHIBIT S**

On January 17, 2018, complainant provided protected disclosures to the Texas Rangers and writes "the attorneys from Ector County Independent

School District (ECISD) and Texas Christian University are subject to the Texas penal code and disbarment rules". Grievant had already interviewed with the Austin Commander of the Texas Rangers and the Midland Ranger agent and provided photos, emails and documentation of fraud. **EXHIBITK Letter to the TEXAS Rangers** . Complainant pleaded to the Texas State Board of Education the facts for the State's enforcement staff to investigate Texas Christian University and Baylor University for assurance of compliance. At this point, one phone call from the Governor could have lifted the restriction for grievant to attend events, e.g. to lift the ban, and provide restitution. The governor was reminded that it was his office which made him a conspiracy player since on his authority the charge for open records was calculated for documents to prove fraud @ \$ 29,457.00 **including the State Board of Education over sight of Universities who went rogue.**

#### **EXHIBIT R CONSUMER COMPLAINT TO NCAA EXPLANATION OF ADDITIONAL INJURY**

This complaint was emailed to **NCAA** President Dr. Linda Livingston on Friday by email January 6 , 2023 with the intent that NCAA without any conflict of interest would direct an Independent Football Oversight Investigation similar to Penn State because a child's life was altered and compensation is warranted as documented in the Fryer report. She was twelve when the TCU fraud initially was disclosed. And her statement was one of affidavits detailing the conspiracy. Baylor University investigation also provides a model with the Pennington Report. These institutions humbly admitted to mistakes and paid a hefty price but now after truth may move forward. TCU on the other hand has been uncooperative NCAA Death penalty was administered to Southern Methodist University in similar circumstances Seems like Governor Clements abused his Governor's discretion, years ago.

Here negligence is alleged first by the State Board and now against Governor Abbott. The Texas Governor admission of the systemic misconduct since 2004 required a plan for correction within 7 days. But his staff failed to reinstate Boswell in the system, both at TCU and at

ECISD. In retrospect the Secretary of the Army corrected the record, unlike TCU. TCU and the Governor have not been truthful and neither should either of these authorities be a candidate for unjust enrichment. They each must bear responsibility. The credibility of NCAA can be further enhanced with leverage on Universities located in Texas.

The facts are provided by the Department of Education and decisive factors, and reports and with the final ruling in the Fifth Circuit ruling. NCAA fostered integrity in the final analysis of Penn State and Baylor University, by seeking accountability with the use of sanctions, discipline and restitution.

Now, given the further exclusion to athletic events, it is shown that Texas Christian University notification letter serves as a retaliation mechanism along with the unlawful search and seizure and involuntary escort to the hospital and this conceivable violates the U.S. Constitution Fourth Amendment, conspiracy regarding 18 U.S.C. And now violation of 42 U.S.C. 2000 a . Each of the factor of a Texas whistle blower complaint is shown. Based on the conspiracy affidavits and the sudden disappearance of a black government witness, TCU violated the First Amendment Clause of the United States Constitution, the same as documented by Judge David Counts.

**Complaint alleges fraud to NCAA.** Lack of due process was indication that other conspirators were on board with TCU's influence in the education corruption work place. Athletes and Special Education lost out. Of 142 high school students, 27 were special education students. The number of students on the instructors rolls remained inconsistent until the Principal was fired in January. In order to do well on the states standardized testing, students would vanish from the roll record.

Grievant provided each of the Grievances 1 through 12 to Judge David Counts, and many of them could not separate between ECISD and TCU because they were joint conspirators. JROTC lost its budget, bus support, and the NCAA grievant had standing because he had met with the Permian High School Principal and talked over **EXHIBIT M**, and the Principal expressed disappointment in a UIL recruiting violation.

This NCAA whistle blower grievant was a continued target of retaliation. As NCAA looks at the television revenues, on Monday January 9, 2023 championship game, the unjust enrichment will be difficult to explain. Other Universities worked hard, with integrity.

The level of University corruption is attributed to the unethical connections with Department of Justice District Attorneys and Judges, and their politicized roles. Other Universities outside of Texas may question why the District Attorney did not levy a charge according to the media of the three horn frogs (alleged to have gang raped the plaintiff of Exhibit B) and why the City of Fort Worth did not fine TCU for lack of accommodation. Grievant has shown that TCU actions are ones lacking integrity.

**Note** that all school board members sign off on the budget and compliance statements regarding the alleged fraud. The Secretary of Education provided a historical record of the millions of dollars forfeited because of the State of Texas negligence. In total, NCAA policy is undermined and its purpose is minimized. College and high school athletic programs, undergo serious repercussions when the institution cheats. Taking away a Veterans career and education benefits (promised at TCU) went to far, and had a domino effect. The other military officers failed to exercise integrity for reasons: loss of promotion; being prosecuted; loss of privilege to pursue Doctorate level education. TCU University Dean was alleged to have violated Texas Law 32.45 regarding cadet fund expenditures,

Remember the **Ezell Affidavit ( EXHIBIT L )**. **This decorated Marine Colonel, TCU alumni and scholarship recipient request TCU bear responsibility** . Most frightening is the **NCAA Integrity standard**. Soldiers and teachers through out our nation lost confidence in leadership. Teachers claim the loss of their empowerment and corrupt actions are nexus to our national shortage of teachers and inability to meet military recruiting quotas. TCU employees banned together to complain of racism.

Both my daughters were injured. The three of us had our own Psychiatrist and Counselor, and support network. We each suffered mental anguish, fear, emotional distress, physical injury, and premature death of a loved "grand ma" and "grand pa" as they anguished over the most horrendous

University and Military SCANDALS in history of sports athletics, sexual harassment, rape, white collar crime, and alleged murder of government witness.

The conspiracy grew. An Army Colonel, the G-2 of the Third Army Corps was one of the many conspirators documented in the Veteran Affairs Assessment and in the allegations to CID. The affidavit to the report of corruption regarding TCU was six pages, including the commencement of felony offenses. Had the corruption been handled differently with integrity, a life would be saved. The Baylor murders of athletes may have been prevented. The death of TCU gay students, and TCU alleged discrimination against the gay community may have been avoided.

### **NCAA CONSTITUTION, ARTICLE 1 principles**

**Principle A.** The Primacy of the Academic Experience is the responsibility of each member institution to establish and maintain an "environment" in which a student-athlete's activities are conducted with the appropriate primary emphasis on the student-athlete's academic experience. Violations of Title IX and instructor - student - sexual misconduct, abuses of federal regulation, create havoc with NCAA policy. When a program targets a grievant or a NCAA whistle blower complainant, programs no longer are a vital component of each institution's broader educational program. Grievant challenges DIVISION 1 and NCAA to be sensitive of the damage to teacher and military retention, recruitment, and readiness. TCU misconduct was the approximate loss of a teacher career. I was a certified teacher from the University of Texas, Austin. TCU Cadet Hobbs (a black cadet) and TCU alleged victim "RT" was a shining star. Both cadets were intimidated and abused. Neither had equal chance for education opportunity under the TCU corrupt environment. "I witnessed a gross injustice perpetrated against Major Boswell and his family. See Bright affidavit Exhibit C (his admission to the conspiracy)

Congress assessed the impact of a second Army scandal and held a press conference on the death of Vanessa Guillen on December 8, 2020 and regarding the Sexual Harassment Assault Response and prevention (SHARP) of Fort Hood. **EXHIBIT R.** The same Fort Hood CID missed opportunity to be diligent. **SEE CID REPORT.**

**Exhibit page number 41 (E-41)**



Bright in his affidavit says "Now I believe there is a criminal connection ... with the sudden and unexpected disappearance from TCU of a black supply sergeant".

**NCAA constitution addresses responsibility.** This constitution states it is the responsibility of each member to conduct its athletics program in a manner that promotes the ideals of higher education, human development and the integrity of intercollegiate athletics. Here, Texas Christian University misleads the public and individuals associated with intercollegiate athletics programs and events. TCU failed to adhere to such fundamental values as respect, fairness, civility, honesty, responsibility, academic integrity, ethical conduct, and the rules of their conferences. Students, families and employees were harmed.

**D. Student-Athlete Well-Being.** Effective 8/1/22) Intercollegiate athletics programs shall be conducted by the Association, divisions, conferences and member institutions in a manner designed to protect, support and enhance the physical and mental health and safety of student-athletes. Each member institution shall facilitate an environment that reinforces physical and mental health within athletics by ensuring access to appropriate resources and open engagement with respect to physical and mental health. This should apply to employees and former employees. Health over Profit should have priority. So when coaches attempt to seduce athletes in accepting wrong doing as shown in the media account in 2021, this defeats the NCAA mandates.

Each institution is responsible for ensuring that coaches and administrators exhibit fairness, openness and honesty in their relationship with student-athletes. Student-athletes shall not be discriminated against or disparaged because of their physical or mental health. (Adopted: 1/20/22 effective 8/1/22). Here TCU student James Boswell was engaged in a TCU Masters degree program, was an alumni, and Dean McCracken **EXHIBIT I** directed the Army's Cadet Command to remove this qualified officer from TCU premises after this instructor provided an evidence statement by a **cadet that she said no, no, no EXHIBIT G** during the commencement of a colleague, a TCU faculty instructor, alleged rape.

**Exhibit page number 42 (E-42)**

## **E . Institutional Control.**

Per NCAA policy, this paragraph, "It is the responsibility of each member institution to monitor and control its athletics program and to provide education and training to ensure compliance with the rules established by the Association, its division and conference. It is the responsibility of each member institution to report all rules violations to its NCAA division and conference in a timely manner and to cooperate fully with enforcement efforts. Responsibility for maintaining institutional control ultimately rests with the institution's campus president or chancellor. (Adopted: 1/20/22 effective 8/1/22) As with ECISD, a case is made with the same legal framework as made with Judge David Counts assessment. **EXHIBIT O, with regard to the First and Fourth Amendment violations at TCU .**

**F . Diversity, Equity and Inclusion.** Did Coach Dykes cover up why this Veteran can not attend events at Fort Worth on TCU property? If so, did TCU cheat? The Association is committed to diversity, equity and inclusion. TCU's letter to grievant is one of exclusion. The victims of the rape forfeited education and left the University. The TCU grievant sustained injury of 70 % disability, PTSD, documented in a nexus letter to the Veterans Affairs. The Association, divisions, conferences and member institutions shall create diverse and inclusive environments and shall provide education and training with respect to the creation of such environments and an atmosphere of respect for and sensitivity to the dignity of every person. The Association, divisions, conferences and member institutions shall commit to promoting diversity and inclusion in athletics activities and events, hiring practices, professional and coaching relationships, leadership and advancement opportunities. (Adopted: 1/20/22 effective 8/1/22). Grievant's 22 allegations to the Inspector General included illegal treatment to four black cadre and 1 black student all of which alleged the above discrimination. Grievant was prejudiced in hiring actions. Affidavits from Fant and Lynn Exhibit C addresses the reputation damage to this NCAA member.

**G. Gender Equity.** The Association is committed to gender equity. Activities of the Association, its divisions, conferences and member institutions shall be conducted in a manner free of gender bias. Once the case is assigned to investigator, I will explain a violation in this category

Conferences and member institutions shall commit to preventing gender bias in athletics activities and events, hiring practices, professional and coaching relationships, leadership and advancement opportunities. (Adopted: 1/20/22 effective 8/1/22), Female students were not protected and the gang rape in the TCU dormitory is evidence.

Grievant moved on with back pay, and full military retirement with a high school ROTC assignment under the authority of Texas Education Agency and the State Board of Education. Here grievant will request the Speaker of the House, Kevin McCarthy to launch an investigation regarding Governor Gregg Abbott alleged misconduct and his Attorney General misconduct and violation of the Military Whistle Blower Improvement Act. **DOJ prosecutors in DC take over corruption probe into Texas Attorney General February 17, 2023.**

**H. Recruiting Standards.** Divisional bylaws shall be designed to promote informed decisions and balance the interests of prospective and current (or transfer) student-athletes, their educational institutions and intercollegiate athletics as a whole. (Adopted: 1/20/22 effective 8/1/22). Disclosure of TCU history is not forthcoming and they are unduly and unjustly enriched. Thus, the institution runs their business deceptively, and risks their upcoming National championship record being voided of wins. It is unfair to other Universities who play by the rules. And since the alleged 10 million dollar settlement appears as a pay off, what provision may be given to provide these same funds to all state level Universities to even the playing field.

**The NCAA CONSTITUTION, ARTICLE 2 Organization.** (Adopted: 1/20/22 effective 8/1/22) The membership of the NCAA encompasses public and private institutions and conferences of widely varying mission, size, resources and opportunities. Accordingly, Association-wide governance must reflect these differences through the delegation of authorities and responsibilities to the divisions, conferences and individual member institutions except where necessary to promote and maintain the Association's core principles. (Adopted: 1/20/22 effective 8/1/22). After reading the affidavit of conspiracy signed by Lieutenant Colonel Bright addressed to the Assistant Secretary of the Army, ask some important questions:

The Association shall: **Conduct all NCAA championships.** But in this case, it is questionable whether the University has met NCAA standards because of treatment to this Texas Veteran. The conspiracy continued and Judge David Counts documented evidence supporting a violation of the First Amendment and violation of the Fourth Amendment. Due process can only be remedied by release of evidence. Therefore it is a necessity that the United States Attorney General intervene

NCAA policy serves as a role model for school districts. NCAA policy matches closely resembles the No Child Left Behind Act of 2001. Grievant complained to the Inspector General of violation of the United States Army policy on discrimination in Cadet Command Regulation, CCR 145-2 para 2-6 "bullying" paragraph 3-10. Exhibit P Grievances.

TCU and the ECISD School District violate code of conduct regulations designed to protect the athlete. The Ector County Independent School District could not justify why the District should keep the Texas State Championship, nor could the District explain the UIL violation. The Hasian student claimed to be 16. But he was in fact 22 years of age. He resided with his coach as the School Board had blinders on. This illustrates how bad Texas Sport's advocates want to win and how power has no end to manifestation of corruption without proper oversight and checks and balance. The player was subsequently convicted of statutory rape. Of 12 grievances, grievant's number 4 complained that men could wrestle with men but women could not wrestle with women.

**EXHIBIT S** I filed 12 official grievances and a summary is provided . Concerning non compliance, I WAS THE FIRST WHISTLE BLOWER. I filed James Boswell v. Mike Morath, Commissioner of Education and **Texas Education Agency no. D-1-GN-18-006374** To my knowledge, this case is on hold, still pending investigation. **Cause No. D -1GN-11-003130** James Boswell verses Texas State Board of Education addresses the negligence at the State level and is not the point of this whistle blower complaint with regard to NCAA by laws. It is my belief that one TEA employee - investigator died needlessly, and a Federal District Attorney resigned due to the alleged corruption and systemic error. TEA failed to enforce renewal of my employment contract valued at \$ 77,000 annually, in

**Exhibit page number 45 (E-45)**

retaliation. As with many cases in Texas, the School Board operate with a blind eye and was eager to win a state championship but without display of integrity.

In retrospect, Texas rescinded a high school state championship and this was an analogy - replica of the TV series "Friday Night Lights", which highlights the importance in Texas sports for winning at the sacrifice of ethics and other programs. No doubt that NCAA most experienced managers are advocates for justice and fairness, and this is uplifting for those who have experienced injustice. And certainly your staff has followed the death of Vanessa Guillen at Fort Hood Texas, and have observed negligence of the CID and active duty Command. This prejudice and discrimination has caused a sense of nervousness on the active duty force, and it presents a cloud of historical consequences when senior officials get away with wrong doing.

**With any law suits, the injury is litigated. VETERAN AFFAIRS**

documented my PTSD 70 percent disability and it is already stressed to its limits and it should be upgraded and the condition be one of unemployability. My medical PTSD condition is worsening because it is triggered by questions whether TCU is in compliance with NCAA policy?

As a military soldier, since 1973, I did my duty. Too well! On three occasions during these selective dates 1) 1987-1989 2) 1997- 1998 and 3) 2009 -2012 my income was reduced because I challenged fraud and integrity. The VA has an account of 3 incidents.

**First incident occurred in 1987.** I was terminated from Texas Christian University on active duty as an Associate Professor of Military Science. My assignment was ROTC duty, and after reporting corruption, reprisal followed, and I lost my officer commission in 1989. My income was eliminated, and I negotiated bankruptcy. To put this more succinctly, it could have been your 12 year old daughter who was placed in the military sedan as she accompanied dad to the Ft. Worth Navy hospital for psychiatric evaluation at **TCU request EXHIBIT C.** The most humiliated of all actions is when TCU announce the person responsible for bullying would take over my classes.

**Exhibit page number 46 (E-46)**



2<sup>nd</sup> situation happened during a tenure with the Texas National Guard as a Sergeant. After I received my MPA, I performed for 7 years (1991-1998). The Department of Defense Inspector General and the Army Board of Correcting Military Records intervened regarding incident one and awarded back pay, and restored my Commission as an Army Major, with full retirement. In the acknowledgment of punishment, the Ft. Worth Director of ROTC writes a startling assessment of my reduction in rank from **Army Major to Army Sergeant. Exhibit J** To add to the hurt and harm, a Navy Captain Investigator found Army Command retaliation for a second time and under a similar set of circumstances at Fort Worth Texas National Guard Armory where I reported systemic lack of accountability. And through the CID process, the soldier who repeatedly perpetrated crimes with children during duty hours was finally convicted. Responding to my complaints, the CID placed undercover agents within the armory.

The 3<sup>rd</sup> reprisal incident occurred as an JROTC instructor ( 0-4 retired serving from 2009 to 2012), where I again was faced with adverse consequences as my students were victims of violation of law.

So let's move forward. Our system, more often than not, is incapable of making a whistle blower victim whole again. Since our corporate world cares about government and process, NCAA obviously recruits the finest and often former military members.

You want diversity and by now, you have evaluated my character and credibility. I might add that my leadership was enhanced with 7 years in the Texas National Guard as a E-5 Sergeant without promotion (note Navy Captain finding of retaliation) and that the academy selected me as instructor of the year, albeit my former officer performance and completion of Command and General Staff College.

Your corporate lead can infiltrate the deadlocks in other venues as Congress and save years of in fighting and litigation. I note seventy two testimonies, in support of these premises, and three denials from the United States Supreme Court and one denial from the Texas Supreme Court upholding the appellate courts decision to dismiss without prejudice.

**Exhibit page number 47 (E-47)**

All the legal challenges "the attempts" were without sufficient individual funds and competent attorney representation. These challenges were accomplished Pro Se. The legal documents barely fit in a suit case when an independent licensed Psychiatrist interviewed me and found 70 % disability. There is one testimony that stands out , a public court record by Mr. Tom Lancaster. His summary of details regarding a rescue during a hunting accident shows his appreciation to our military survival training. He explains how this Air-Force POW survives. **EXHIBIT A.**

Allow this POW letter to be your motivation to offer help. Army Lieutenant Colonel James Bright statement to the Secretary of the Army is controlling and he should never be punished because as he states was under orders. Then you have TCU's highest decorated combat veteran, Marine Colonel - Don Ezell EXHIBIT statement is about as candid as they come. That TCU bear responsibility. Note that Texas Veterans Commission concurred and testified before the Army Discharge Review Board which found reprisal and recommended relief.

Before December 22, 1986, my career, starting as an Army Ranger (an honor graduate), was in great standing to be selected as a TCU faculty member. Assignment at Shape and five Army Divisions (1<sup>st</sup>, 2<sup>nd</sup>, and 49<sup>th</sup> Armored Divisions and the 2<sup>nd</sup> Infantry and 4<sup>th</sup> Mechanized Infantry) establishes the experience for absolute professionalism, and financial responsibility.

What should have happened is that a jury should have concluded as the jury finding of retaliation by the Fort Worth Independent District Superintendent. The next day the Superintendent resigned. This started the restitution process for victims.

Pretending that racial tension and rape are fairly adjudicated is just not true in Texas. Note that it was the Dean who required my employment termination after I complained of racial inequity . My removal to Fort Hood was three hours away. My children suffered. Both were cheer leaders. Yet, your children are treated differently?

After the unlawful termination, the Fort Worth Director of ROTC operations documents outstanding performance, verification of loss of career, reduction to Army Sergeant and performance in the Fort Worth

**Exhibit page number 48 (E-48)**

Texas National Guard Armory. Ten years later, in 1998, the Department of the Army determined that the TCU performance evaluation on Major Boswell was in retaliation and null and void and Mr. Boswell's army officer commission was restored with back pay.

#### **EXHIBIT T . Governor Abbott's letter.**

The Texas Governor is alleged to contribute to the continued TCU initiated conspiracy to harm the ROTC instructor. Governor Abbott's letter to the Commissioner alludes to corruption since 2004.

**NCAA is to Manage the Association's intellectual property and maintain historical and statistical records of the Association** which includes the allegation that TCU has offended the community as described in law suit which has impacted the opinion of Ex officio nonvoting members of the Board of Governors, including the NCAA president, the chairs of the Division I Council and Division II and Division III Management Councils, the president of one Historically Black College and University (HBCU), and one former NCAA student-athlete from each of the two divisions not represented by the student-athlete voting member of the Board of Governors, and other participants authorized by NCAA policy.

Is there an accountability historical record pertaining to **black** TCU employee, Staff Sergeant John Dunlap? Is there a record of the TCU line backer tweet complaining that coach Patterson used the N word resulting in players skipping practice. Does the record reflect the truth about employer intimidation? Is their evidence which substantiate that his witness testimony would likely support a conclusion that TCU fails to meet the NCAA standard? How do you evaluate Bright's comment to Secretary of the Army regarding criminal intent regarding the whistle blower witness mysterious disappearance? Is there a NCAA accountability record concerning the subsequent rapes of TCU students and did the institution disclose and meet the required NCAA standards for investigation and disclosure?

**NCAA may recommend to other agencies** any measure which would correct an injustice to make an employee whistle blower whole again. Here this is appropriate as a measure in response to an action or

statement by an institution or its representatives that materially violates a constitutional principle and undermines the interests of the Association. (Adopted: 1/20/22 effective 8/1/22).

Has TCU demonstrated discrimination and if so, will NCAA recommend the City of Fort Worth execute the provisions of City Ordinance recommended penalty of \$ 500 per day, noting that the grievant was escorted involuntarily, to a hospital accompanied by the grievant 12 year old child, to the Navy Air Station (NAS) located in Fort Worth, Texas. Note that grievant has been denied a property right for going to an event on TCU property for 35 years. Why has this event not been adjudicated by a jury.

**NCAA may undertake other actions necessary** to accomplish the purposes of the Association as determined by the Board of Governors and divisional leadership bodies. (Adopted: 1/20/22 effective 8/1/22), Has TCU cheated?

**NCAA may provide final approval and oversight** of the Association's budget, internal and **external audits**, enterprise risk management, strategic planning, allocation of assets and establish policies related to fiduciary responsibility. Complainant notes that his official grievants reported the alleged felony offense regarding the expenditure of cadet funds at TCU to fund Ranger Challenge varsity competition, and concerning a repetitive event for JROTC use of funds at the high school level. Neither institution disclosed the truth, yet retain control of our future athletes and their education. Wrongful termination of a whistleblower who challenges the implementation of NCAA rules is a topic for the leadership of the divisional governing bodies, adopt and implement legal strategy, Association risk mitigation, and government relations and policy matters that affect the Association as a whole. At ECISD, \$ 800,000 was unaccounted for.

To establish continuity with future leadership this complaint is requested to be forwarded to Charlie Baker, Governor of the Commonwealth of Massachusetts. It is inconceivable that this TCU misconduct would happen in any other state. Today, TCU no trespassing order stands causing over 30 years of discrimination violating a city statute, and injury to a former spouse and two daughters. See conspiracy Exhibit C Ten testimonies infers TCU escapes accountability.

**Exhibit page number 50 (E-50)**

TCU misconduct is mostly shown by perjury, or on technicality claiming "Since Boswell has never been TCU's employee" and claims of retaliation are limited to any "employee" who is discharged ..... But TCU fails to disclose the ROTC agreement with the University and the "in process and registration" requirements for this permanent employee with a 3 year contract and that Boswell was a TCU graduate student. Regardless of all the laws that TCU says do not apply to TCU, NCAA policy does apply and 32 CFR & 216.1 does apply. The Superintendent of the Air Force Academy and four top officials were removed, "where dozens of women cadets said they were raped and complaints ignored. Reuters article addressed "Shake Up at Air Force Academy After Rape Scandal". Furthermore, the Baylor Chancellor and Football coach was removed. Then, as a matter of equity and fairness to the remaining NCAA members, an investigation of these infractions is ethical, legal and required, noting that the U.S. Supreme Court ruled that retaliation includes any adverse action by an employer and December 22, 2022 and athletic events there after qualify. The rule is this ""any adverse action that would dissuade a reasonable worker from filing a discrimination charge". If you knew that your family could not attend a ball game, would this be persuasive? When I provided the Texas Rangers a packet on Texas Christian alleged conspiracy to cover up a second rape, I was a state employee, former TCU student, former TCU "worker" an Associate Professor of Military Science. For TCU to deny that a ROTC military instructor is not an employee has residual effect on JROTC in high schools, nation wide. For TCU to treat Let's tell the truth, this ploy is part of the ongoing conspiracy that prevents TCU from public accountability from whistle blower statutes and enforcement from own University and School policy based on statutes. Should all attorneys who aid and embed institutional activist of cover up for alleged NCAA infractions regarding public violations be barred and or indicted for obstruction to justice?

On March 27, 2009, the nexus - TCU scholarship student sued TCU and Coach Patterson for conspiracy as she alleged she was gang raped by 3 horn frog athletes in the dormitory. On December 10, 2012 Texas Christian University affirms the no tress pass directive, and the University remains unaccountable and is awarded a chance to win a national championship on January 9, 2023.

**Exhibit page number 51 (E-51)**



**“Texas Christian University” (the corporation) violates Fort Worth City Ordinance 18909-11-2009, Section 4 stating:**

**“Any person, firm, or corporation who violates, disobeys, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than five hundred Dollars (\$ 500.00 for each offense). Each day that a violation exists shall constitute a separate offense”.**

Now I ask for NCAA corporate lawyers to find justice, adjudication, and settlement and if the city fails to support the ordinance why would NCAA share revenue?

But more than that, deprivation of a constitutional privilege for 30 years, after reporting racial disparity has developed into Official Policy by Custom (a term used by Judge David Counts). The cost of cheating is a fine \$ 500 per day times 360 (days in the year), times 30 years equals \$ 5,400,000.00 per person.

So, it pleases NCAA members that NCAA represents corporate transparency, and essentially you are performing an oversight audit, similar to the North Counsel of Governments or the out of state law firm who reported to the Trustees for the University of Baylor concerning the University's indiscretion and systemic discrimination. Your obligation is to affirm that NCAA principles are accurate. Your awareness that certain University and government incidents have residual effect, one of which TCU can not claim victory when they have violated NCAA policy in that TCU has concealed that TCU faculty and TCU athletes engaged in inappropriate sexual relations and racial discrimination.

NCAA members intentionally do not discriminate regarding Ethics and treatment to minorities, LGBT, females, transgenders, Latinos, and Blacks, but, what happens when ONE DOES DISCRIMINATE AND REFUSES TO COME CLEAN. Army and Education FEDERAL funds must cease. Otherwise, you have a national shortage of teachers and recruits.

In summary, VA assessment of incident 1 thru 3 are unresolved. The details by an insider, a TCU conspirator, opens that the mysterious

**Exhibit page number 52 (E-52)**

disappearance of a black Army Staff Sergeant, SSGT Dunlap was relevant to the commencement of a felony offense. He was due to testify in grievants behalf at a due process hearing before it was unlawfully terminated. The continuous mistreatment of blacks is reason why both political parties have nominated a black speaker of the House of Representatives during the week of the NCAA championship game.

Note the Plaintiff who sued TCU Coach Patterson for his alleged cover-up concerning the alleged gang rape by three horn frogs, alleges she reported an unwelcome transfer of herpes, an infectious and communicable disease. The point is Universities, in trouble, silence their adversaries. Thus, this NCAA violator remains under the NCAA control for discipline.

This injury substantiated by the VA medical board was a direct and foreseeable consequence of the TCU and the Texas governments unlawful neglect. The Fort Hood Inspector General take on the subject was "What impressed me the most was that (now) Sergeant (E 5) Boswell had persisted for over eleven years in seeking justice. I quickly concluded the appearance of command abuse".

For Fort Worth's vision to be accomplished to be Texas "Most Livable City" it has to be more like San Antonio and its corporate sponsors, as USAA. USAA, as NCAA, embraces equal protection, for employment, fair hiring, and places of accommodation. NCAA leadership is necessary for Texas.

Besides the cover up with regard to the unlawful role of the Office of the Attorney General and with regard to the lack of enforcement for retaliation, failing the students of special education disability hits a nerve for those who love children. Austin Independent School District has a back log of 1800 education evaluations. Of the 70 positions only 23 are filled. The education system is so broken and under investigation for more than a year. District Policy DIA (attached) local is the retaliation policy and given the three prong test which is suppose to be accomplished externally, The governor not only fails, but magnifies the corruption. Both TCU and ECISD retaliated against this Army Ranger as he was wearing the uniform in violation of their own policy guidelines. So in viewing of the photograph and testimony where the institution carts the officer by the police authorities has got to be alarming.

Termination is a given but keeping a former employee from attending athletic events adds fuel to the fire. The saddest part of it all is that ROTC Military Officers Major's have Commanded a company and are trained and skilled to handle stress and physical harm and danger. We know how to lead.

**EXHIBIT U** My letter to the Texas Federal District Attorney John Nash and FBI Director Comey , and letter to Donald Trump and Ted Cruz were cry's for help, but were in vain. The 45<sup>th</sup> President of the United States allegedly required these leaders to step down, escalating the claim for alleged conspiracy to the highest level of government and equal to LTC

**EXHIBIT V** is LTC Vindman's lawsuit against Donald Trump. The conspirators targeted Major Boswell in the same manner as Trump's alleged treatment to Vindman. (suit page 15). The fact Trump acts as if he is above the law and has allied with Governor Abbott is painful for America and our democracy and freedom and not good for NCAA policy enforcement . Grievant alleges that conspirators agreed on a common purpose to silence this Texas whistle blower for his report to Judge Dietz of the UIL violation .

#### **EXHIBIT W WHISTLE BLOWER COMPLAINT TO TED CRUZ**

Boswell believes there is a nexus between wrongful unlawful activity, violations against TCU Notice of nondiscrimination policy, disappearance of whistle blower witness at TCU, and the death of John Romfeld after he earned his retirement and back pay, the death of Rohmfeld attorney because of their participating role in the Iran Contra scandal, the death of the athlete at Baylor University(linked to Baylor University scandal) and the death of Fort Hood soldier Vanessa Guillen. Both Universities lost University Control, and the checks and balances at the state level failed. Fifth Circuit Ruling of non compliance against the State of Texas reached \$ 33,302,428.

Boswell proposed Judge Dietz publish a no retaliation for all Texas School Districts in Cause NO.GN-11-0003130. The Governors concerted effort to deny due process in the two aforementioned law suits is magnified by the close relationship even interdependence between the conspirators, their

history of working together to target perceived enemies of the State. This accounts why the Texas Judicial is not favorable to minorities and cited as deplorable in a letter to the judicial oversight committee.

Here are facts not in dispute.

- 1) Texas Christian University and Ector County Independent School District have substantial charges of non compliance with laws. The NCAA cited TCU for fraud. The Department of Education cited ECISD for violation of Special Education Law. Both institutions have incentive to protect the institutions from liability.
- 2) As with the massacre this week at Michigan State University, there are too many incidents of criminal nature and deaths which have surfaced which can be traced to mental health issues and an example where the shooter had a perception that he was wronged. TCU campuses and event locations must be considered by NCAA Article 1 D. Student Athlete well being as a category of at Risk because of the legacy of law suits alleging discrimination.
- 3) Documentation was provided in grievant's whistle blower letters to U.S. Attorney John Nash, FBI Director James Comey, and Austin Texas Ranger Hank Williams. Each time the grievant disclosed a violation of law, retaliation followed.
- 4) Fifth Circuit Court of Appeals affirmed the loss of the special education money \$ **33,302,428** due to Texas non compliance with Department of Education rules. Grievant reports that he was the first whistle blower and in spite of 3 superior performance evaluations, Boswell underwent 3 reprimands and a termination. Grievant documented conflict of interest by a state and federal judges where the cases are dismissed and never heard by a jury of peers. The occurrences are reported to State Commission on Judicial conduct.
- 5) TCU and ECISD were the Defendants in multiple court pleadings, and the respondents in grievants whistle blower letter to the Secretary of Education. Grievant worked at the Supreme Allied Headquarters, Europe assessing top secret clearances. Grievant

**Exhibit page number 55 (E-55)**

- 6) reported to the IG the use of the N word and how blacks were racially discriminated at TCU. The allegations were supported by affidavits from Fant, Lynn, Bright, Bice, Hayhurst, V. Boswell, Mroski, Darnell , Weiller, Ezell, and Major Boswell.
- 7) The TCU Dean directed the varsity coach be fired after the grievant disclosed violation of law to law enforcement .
- 8) TCU's execution of the Notice of Nondiscrimination clearly is misleading and it emphatically violates NCAA policy and Texas and Federal Law.
- 9) If the NCAA finds a school has engaged in a pattern of willful violations, it can look back to when the violations first occurred, even if they are outside the five-year window. Source Death penalty (NCAA).
- 10) A factor for Coach Patterson removal was that TCU Linebacker Dylan Jordon accused Patterson recorded on twitter of using the N-word during a confrontation at practice. The article entitled "TCU Chancellor: Patterson Shares Apology Tuesday for Use of racial slur" was published by – NBC 5 Dallas – Fort Worth.
- 11) Several players, parents, fans, competitors, lost a life time experience to compete while athletic fraud allegedly was unknown by the Permian High School Coach as the star basketball player 22 years of age, posed for 16. The player was recruited from Haiti and resided with the coach. Permian's win of the Texas State basketball championship fraud.
- 12) Tuition Assistance policy 6.005 applies to eligible employees and or dependents. I was received as a TCU employee and provided Tuition Assistance. Loosing this benefit for my spouse and children is an adverse employee benefit which will need to be compensated for and provided emeritus status. Loosing these tuition and accommodation benefits is the cause of sleeplessness, increased anxiety, and trauma, systematical oppression. Standing up for title IX litigants was the reason my supervisors dealt a full blow of insensitive



- 13) and condescending comments which were written to my students in defamation. A student or athlete can file a grievance and expect that the grade earned will be the grade given. The culture at TCU is to retaliate because in this federal court system there is a likelihood that TCU will receive favorable Department of Justice treatment.
- 14) TCU settlement of the suits with 5 black women and their account of "legacy of discriminating treatment of racial minorities and women is arresting and serves as the backdrop to the facts underlying this Complaint. The case of bar is the culmination of over a century of hateful campus culture gone unchecked and alleging a pattern of hostility and discrimination at TCU". Final settlement was published November 4, 2021.

When a child sings the riddle "Taaaaake me out to a ball game", it bestows, confers, or presents an honor, right or gift – a freedom which should apply equally to all NCAA members and their following. Most of us love our State of Choice and University of Choice, but there has to be boundaries when an entity tramples on NCAA constitutional rights. I authored the Smith – Castile Commission Report and the development of 20 points worthy of discussion of the most police fatalities in Texas history. One of the 5 police officers was an Army Ranger.

I see this as a constitutional crises begging for NCAA attention and for a request for external referral for law enforcement irregularities. Note that this corruption has manifested to Fort Hood and the State of Texas. I provided packets concerning ECISD and TCU to the Austin Commander of the Texas Rangers.

When it involves our Governor, is it fair that he decides which investigations make the public integrity cut line? I have yet to receive a copy of the taped interview of their Midland Ranger agent where I provided an interview regarding racial animus, and an affirmation report that neither entity, Texas Christian University nor Ector County Independent School District has strictly complied with the law.

I believe that President Trump and Governor Gregg Abbott engaged in a perception of conspiracy by firing key leaders on their staff. I note the following civil servants resigned or were fired in close time proximity to the alleged federal corruption allegation reported by Major James Boswell and Lieutenant Colonel Bright. I note the removal of Texas Ranger Commander Hank Whitman, United States Attorney John Nash, and Federal Bureau of Investigation Director James Comey and seven Texas Attorney General senior employees who were also alleged whistle blowers witnessing that the Texas Office of the Attorney General violated the law. I believe there is a criminal relationship between the whistle blower disclosure correspondence and activity between Major Boswell and to Donald Trump

I believe there is a criminal relationship between the whistle blower disclosure correspondence and activity of LTC Alexander Vindman and Donald Trump which is very eloquently detailed in the attached law suit.

I believe there is a criminal relationship between my whistle blower disclosure correspondence and activity between Major Boswell and to Senator Ted Cruz, and the sudden death of an attorney and the military Veteran who provided his account of Iran Contra unlawful activity

I believe there is a causal connection between the whistle blower disclosure correspondence with the Smith Castile Commission Report in memory of Dallas Police Officers, Innocent Citizens, and Veterans who suffer from mental illness and the 2021 FBI sting operation of TCU Athletic program, and 39 deaths and missing soldiers at Fort Hood Texas.

I believe there is a causal connection between Major Boswell disclosures to the State Board of Education and to Texas Education Agency and to the FBI sting operation and other lawful misconduct at the Texas Education Agency and State Board of Education.

I believe my letter to the Gregg Abbott ATTN Criminal Investigation Division has a causal effect on this whistle blower adverse action like prohibiting a Veteran from attending the Armed Forces Game. I hereby request separate investigations for the following: 1) Alleged cover up to protect Governor Abbott from alleged negligence and scrutiny of allegedly misappropriating \$ 33, 302,428 special education funding and cover up of

**Exhibit page number 58 (E-58)**

Rape happening at Private University campuses Texas wide 2) investigation regarding Department of Defense over site of the Department of the Army and follow up to the Vanessa Guillen Case, including the CID report from a worker/employee at TCU concerning the TCU missing employee, and missing classified documents and how these incidents develop culture which has impacted on the increase of confirmed deaths at Fort Hood, 3) Department of Education status of policy protecting special education population 4) Teacher grievants who complain about School District policy retaliation 5) and notification to the entity respondent that a whistle blower has come forward and has alleged that you have potentially violated the law and an investigation may be underway into whether you have obstructed justice, and to whether the State Office of the Attorney General can survive a claim of conflict of interest.

### **SUMMARY AND CONCLUSION**

Dear NCAA, Division 1 and Distinguished Board Members and Concerned Agency

First and foremost, I am delighted that I represented you in five Army Divisions to secure your freedom. Your service is equally so important and your impeccable focus is sparked by values of integrity and true commitment. Children, as my two children and two grandchildren, yearn for ethical decisions, and they each can look forward to the NCAA example. I have confidence in NCAA, its structure and its Corporate Influence in America.

May I appeal to one of your purposes with regard to member's oversight of compensation, executive development and member benefits, all resulting in trust and performance. Your leadership role and vision to help and improve our country is very noticeable. During this era of hardship, NCAA and members, allowed for spectacular growth and enhanced reputation.

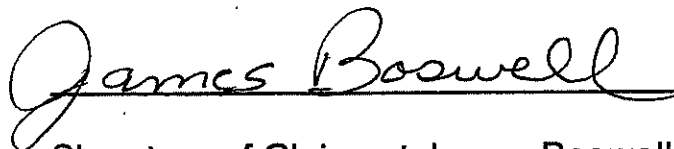
I understand the boldness of my request to vacate the TCU wins but it is only for the duration where this Veteran could not attend games. But my spouse (now former) and two children have shown loss in different directions and financial debt, and emotional injury, each asking TCU and

**Exhibit page number 59 (E-59)**

the Army to share responsibility for the cause and effect of dishonesty and misrepresentation. This has caused unnecessary pain and suffering largely due to income reduction, personal and family difficulties, and hardship nexus to a pattern of government and retaliation by one of your NCAA members.

Therefore, my family is a candidate for relief because of the COVID times and financial ruin regarding challenging TCU corruption. On March 24, 2020 credit agencies reported scores as: Experian 731, Transunion 717, and Equifax 750, but scores went down. In June 2022, I could not sleep because of PTSD, aggravated by the Texas freeze, and TCU continued response for the lack of accommodation, and I gave up, was depressed, and wanted to die. My health worsens, but will improve with this slither of hope, and support from friends, pets, family and wife. I trust that you will make the necessary sacrifices to ensure improvement, and **FIND** Sergeant Dunlap and ensure he receives a pardon if a prisoner, and that his family is comforted, rewarded and recognized as a legend not for being a deserter but for his notorious attempt and selfless courage to rescue a white superior officer in trouble with TCU. This will be a happy ending to the University and Texas Scandal. **And I will continue to dream of an award presentation by our President or by a Navy Seal.**

I understand the criminal penalty for presenting a fraudulent claim or making false statements.

A handwritten signature in cursive script that reads "James Boswell". The signature is written in dark ink and is positioned above the printed name and date.

Signature of Claimant James Boswell  
Date of Signature 2/20/2023

**Exhibit page number 60 (E-60)**

# **RECAP OF AUTHORITIES AND LAWS ALLEGED TO BE BROKEN**



## **RECAP OF AUTHORITIES AND LAWS ALLEGED TO BE BROKEN**

42 U.S.C. & 2000a Title II of the Civil Rights Act (Public Accommodation)

NCAA By Laws 19.5.2.2-(e) -(2) and 31.2.2.3 (b) Severe Breach of Conduct level 1; NCAA Bylaw 10.1 providing false and misleading information; By law 111.1 NCAA Coach oversight of staff and Board member misconduct; Best business practice. NCAA Bylaws 111.10 and 7.01.10 VIOLATION OF BYLAW ARTICLE VI INSTITUTIONAL CONTROL ; VIOLATION OF BY LAW ARTICLE VII MEMBERSHIP

NCAA MEMBER'S compliance with the Sherman Act

Higher Education Act of 1965

False Claims Act

Title IV of Higher Education governed by Program Participation Agreements associated with 34 CFR & 668.14 (a) (1) ; 34 CFR & 600.4(a) ; 31 U.S.C. 3729 and 20 U.S.C & 1094

Educator misconduct in a letter to the Texas Rangers April 4, 2012 and January 17, 2018 citing Fort Worth City Ordinance 14333

Texas Law

32.45 Misapplication of Fiduciary Property

39.01 Official Misconduct

36.06 Retaliation

Texas Whistle Blower Act DGBA 554.006

Fourth Amendment Claim 42 U.S.C. & 1983 recommended by Judge David Counts

First Amendment Claim 42 & 1983 recommended by Judge David Counts

42 U.S.C. & 14141 and the Fourteenth Amendment

32 CFR & 216.1

**Authorities page 1**

- 1) **Common Law Consumer Fraud, Deceptive Trade Practice and Bad Faith Conduct**
- 2) **Conspiracy** to Commit Common Law Consumer Fraud and Deceptive Trade Practices
- 3) NCAA and Texas Rules Against Misleading Practices and Advertisements
- 4) **Racketeer Influenced and Corrupt Organizations Act**, 18 U.S.C & 1962 (a), (b) and (c)
- 5) **Antitrust to 15 U.S.C. & 1**
- 6) **Public Nuisance pursuant** to 32 L.P.R.A & 2761 anything injurious to health ... as to interfere with the comfortable enjoyment of life or property
- 7) **Strict Liability – Failure to warn** (for student registration and attendance
- 8) **Negligence** to law and NCAA policy and
- 9) **Unjust Enrichment.**

Ethics violation on the behalf of Senator Ted Cruz and Donald Trump

Conspiracy in violation of 42 U.S.C. & 1985

1035 U.S.C.

34 C.F.R. & 300.180 (a)

Education code; Title 2 Public Education G. Safe Schools Chapter 37

18 U.S.C Conspiracy

TCPA & 27.001 (7) (A) (B)

20 U.S.C. & 1092

Tort of Negligence; Tort of Negligent Hiring, Supervision, and or Management; Tort of Negligent Recruitment, Fraud by Misrepresentation Deceptive Trade Practices, Ratification failing to report misconduct to NCAA;

# **NCAA Infractions: Specific Dates Chronological order**

**AFFIDAVIT OF AFFIANT, JAMES DOUGLAS BOSWELL**

STATE OF TEXAS

COUNTY OF TARRANT

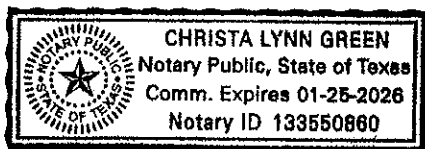
On this day, James Douglas Boswell, appeared before me, the undersigned notary public, and after I administered an oath to him, upon his oath, he said:

My name is James D. Boswell. I am competent to make this affidavit and I have personal knowledge of the facts stated below.

I believe that several individuals, and agencies have violated the law, and have reason to believe the person or agency was or is involved in conspiracy to further negate whistle blower protection. I allege NCAA infractions and violation of law, and wrong doing. I request to testify before a fair and impartial body such as NCAA's Division 1 investigative, fact finding committee. I also wish to testify before select Congressional Committees, and before the Department of Justice, Department of Veteran Affairs, Department of Education, Division of Consumer Affairs and or a Grand Jury. I believe that a NCAA hearing will render member accountability and compensation for those harmed. I have experienced repetitively the consequence of conflict of interest and so I request that any oversight authority apply procedures to guard against additional cover up. The purpose of this affidavit is to clarify facts regarding the violation of law, public policy and City of Fort Worth Ordinance. On this day, I supply the attached letter with 4 enclosures, this affidavit, and Exhibits (attached) A through W.

SWORN TO and SUBSCRIBED before me on the 20<sup>th</sup> Day of on February, 2023.

*James Douglas Boswell*  
James Douglas Boswell



*Christa Lynn Green*  
Notary signature

Notary Public in and  
for the State of Texas

## **NCAA Infractions: Specific Dates Chronological order**

**February 20, 2023 Game Kansas at TCU;** alleged NCAA infraction.

TCU violates 42 U.S.C. & 2000a Title II of the Civil Rights Act (Public Accommodation) and City of Fort Worth Ordinance.

TCU fails to show good cause how TCU is in compliance with **NCAA Constitution Article 1 principles D. Diversity, Equity and Inclusion**. See TCU lawsuit January 2020 settled and accused TCU of being 'bigoted narrow - minded and hypocritical in its treatment of racial minorities; and on March 8, 2022 Linda Lopez TCU employee for 13 years is quoted: "TCU has been permeated with an ethic of white elitism that has long discouraged the equal participation of Blacks, Hispanics, Asians and other racial minorities in university life at all levels. TCU fails to accommodate whistle blower Army Ranger James Boswell and to answer a show cause produce resemblance of a restraining order not associated with retaliation as he was a whistle blower in filing a whistle blower report to law enforcement based on racial animus.

**February 18, 2023 Game Oklahoma at TCU @ Schollmaier Arena;** Alleged NCAA infraction TCU misrepresentation; violation of the Sherman Act, and TCU Notice of nondiscrimination based on ... Covered Veteran Status, disability (70 % PTSD , age discrimination (age 72) whistle blower status reporting sexual harassment and sexual assault to law enforcement; and infractions to NCAA; whistle blower status in contradiction to TCU Notice of Nondiscrimination which applies to former Graduate Students. The notice reads: TCU is committed ... (no TCU is not). This is a misrepresentation. Veteran former graduate student of TCU is prohibited from entering TCU property in violation of US Constitution and NCAA constitution which supports Diversity, Inclusion and Equity.

**January 6, 2023** Whistle Blower reports to NCAA a TCU violation level 1 infraction **Loss of Institutional Control** and potential Anti-money laundering Whistle Blower Improvement Act complaint 20 page pdf emailed to Dr. Livingstone.



This disabled veteran explains additional PTSD injury urging the Baylor President to initiate the NCAA Division 1 level investigation based on NCAA principle **student athlete well being**.

**December 22, 2022**

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A factor for Coach Patterson removal was that TCU Linebacker Dylan Jordon accused Patterson recorded on twitter of using the N- word during a confrontation at practice. The article entitled "TCU Chancellor: Patterson Shares Apology Tuesday for Use of racial slur" was published by – NBC 5 Dallas – Fort Worth. Was this infraction violating Article 1 investigated?

**Chronological order page 2**

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TCU Public Infractions Decision (PDF) TCU ATHLETES PROGRAM VIOLATES NCCA RULES; A total of 33 athletes in three sports ...  
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10 % of revenue

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**Alleges TCU violates NCAA recruiting standards, and cover up pertaining to whistle blower of TCU sexual assault (no record of NCAA punishment, DA indictment or of Governor Abbott's public integrity investigation of TCU and Baylor University alleged cover up, of Governor intervention or TCU self imposed punishment of Chancellor Boschini and Coach Patterson misconduct; alleged improper influence with District Attorney and DOJ; Conspiracy to silence whistle blower; 10 million hush money. Was this investigated by NCAA?**

**Please Add NCAA history on TCU**

**Chronological order page 3**

## **RECAP OF AUTHORITIES AND LAWS ALLEGED TO BE BROKEN**

42 U.S.C. & 2000a Title II of the Civil Rights Act (Public Accommodation)

NCAA By Laws 19.5.2.2-(e) -(2) and 31.2.2.3 (b) Severe Breach of Conduct level 1; NCAA Bylaw 10.1 providing false and misleading information; By law 111.1 NCAA Coach oversight of staff and Board member misconduct; Best business practice. NCAA Bylaws 111.10 and 7.01.10 VIOLATION OF BYLAW ARTICLE VI INSTITUTIONAL CONTROL ; VIOLATION OF BY LAW ARTICLE VII MEMBERSHIP

NCAA MEMBER'S compliance with the Sherman Act

Higher Education Act of 1965

False Claims Act

Title IV of Higher Education governed by Program Participation Agreements associated with 34 CFR & 668.14 (a) (1) ; 34 CFR & 600.4(a) ; 31 U.S.C. 3729 and 20 U.S.C & 1094

Educator misconduct in a letter to the Texas Rangers April 4, 2012 and January 17, 2018 citing Fort Worth City Ordinance 14333

Texas Law

32.45 Misapplication of Fiduciary Property

39.01 Official Misconduct

36.06 Retaliation

Texas Whistle Blower Act DGBA 554.006

Fourth Amendment Claim 42 U.S.C. & 1983 recommended by Judge David Counts

First Amendment Claim 42 & 1983 recommended by Judge David Counts

42 U.S.C. & 14141 and the Fourteenth Amendment

32 CFR & 216.1

**Authorities page 1**

- 1) **Common Law Consumer Fraud, Deceptive Trade Practice and Bad Faith Conduct**
- 2) **Conspiracy** to Commit Common Law Consumer Fraud and Deceptive Trade Practices
- 3) NCAA and Texas Rules Against Misleading Practices and Advertisements
- 4) **Racketeer Influenced and Corrupt Organizations Act**, 18 U.S.C & 1962 (a), (b) and (c)
- 5) **Antitrust to 15 U.S.C. & 1**
- 6) **Public Nuisance pursuant** to 32 L.P.R.A & 2761 anything injurious to health ... as to interfere with the comfortable enjoyment of life or property
- 7) **Strict Liability – Failure to warn** (for student registration and attendance
- 8) **Negligence** to law and NCAA policy and
- 9) **Unjust Enrichment.**

Ethics violation on the behalf of Senator Ted Cruz and Donald Trump

Conspiracy in violation of 42 U.S.C. & 1985

1035 U.S.C.

34 C.F.R. & 300.180 (a)

Education code; Title 2 Public Education G. Safe Schools Chapter 37

18 U.S.C Conspiracy

TCPA & 27.001 (7) (A) (B)

20 U.S.C. & 1092

Tort of Negligence; Tort of Negligent Hiring, Supervision, and or Management; Tort of Negligent Recruitment, Fraud by Misrepresentation Deceptive Trade Practices, Ratification failing to report misconduct to NCAA;

**Authorities page 2**

# **NCAA Infractions: Specific Dates Chronological order**



## AFFIDAVIT OF AFFIANT, JAMES DOUGLAS BOSWELL

STATE OF TEXAS

COUNTY OF TARRANT

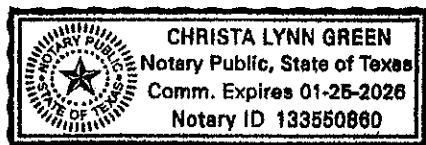
On this day, James Douglas Boswell, appeared before me, the undersigned notary public, and after I administered an oath to him, upon his oath, he said:

My name is James D. Boswell. I am competent to make this affidavit and I have personal knowledge of the facts stated below.

I believe that several individuals, and agencies have violated the law, and have reason to believe the person or agency was or is involved in conspiracy to further negate whistle blower protection. I allege NCAA infractions and violation of law, and wrong doing. I request to testify before a fair and impartial body such as NCAA's Division 1 investigative, fact finding committee. I also wish to testify before select Congressional Committees, and before the Department of Justice, Department of Veteran Affairs, Department of Education, Division of Consumer Affairs and or a Grand Jury. I believe that a NCAA hearing will render member accountability and compensation for those harmed. I have experienced repetitively the consequence of conflict of interest and so I request that any oversight authority apply procedures to guard against additional cover up. The purpose of this affidavit is to clarify facts regarding the violation of law, public policy and City of Fort Worth Ordinance. On this day, I supply the attached letter with 4 enclosures, this affidavit, and Exhibits (attached) A through W.

SWORN TO and SUBSCRIBED before me on the 20<sup>th</sup> Day of on February, 2023.

*James Douglas Boswell*  
James Douglas Boswell



*Christa Lynn Green*  
Notary signature

Notary Public in and  
for the State of Texas

## **NCAA Infractions: Specific Dates Chronological order**

**February 20, 2023 Game Kansas at TCU;** alleged NCAA infraction.

TCU violates 42 U.S.C. & 2000a Title II of the Civil Rights Act (Public Accommodation) and City of Fort Worth Ordinance. TCU fails to show good cause how TCU is in compliance with **NCAA Constitution Article 1 principles D. Diversity, Equity and Inclusion**. See TCU lawsuit January 2020 settled and accused TCU of being 'bigoted narrow - minded and hypocritical in its treatment of racial minorities; and on March 8, 2022 Linda Lopez TCU employee for 13 years is quoted: "TCU has been permeated with an ethic of white elitism that has long discouraged the equal participation of Blacks, Hispanics, Asians and other racial minorities in university life at all levels. TCU fails to accommodate whistle blower Army Ranger James Boswell and to answer a show cause produce resemblance of a restraining order not associated with retaliation as he was a whistle blower in filing a whistle blower report to law enforcement based on racial animus.

**February 18, 2023 Game Oklahoma at TCU @ Schollmaier Arena;** Alleged NCAA infraction TCU misrepresentation; violation of the Sherman Act, and TCU Notice of nondiscrimination based on ... Covered Veteran Status, disability (70 % PTSD , age discrimination (age 72) whistle blower status reporting sexual harassment and sexual assault to law enforcement; and infractions to NCAA; whistle blower status in contradiction to TCU Notice of Nondiscrimination which applies to former Graduate Students. The notice reads: TCU is committed ... (no TCU is not). This is a misrepresentation. Veteran former graduate student of TCU is prohibited from entering TCU property in violation of US Constitution and NCAA constitution which supports Diversity, Inclusion and Equity.

**January 6, 2023** Whistle Blower reports to NCAA a TCU violation level 1 infraction **Loss of Institutional Control** and potential Anti-money laundering Whistle Blower Improvement Act complaint 20 page pdf emailed to Dr. Livingstone.

This disabled veteran explains additional PTSD injury urging the Baylor President to initiate the NCAA Division 1 level investigation based on NCAA principle **student athlete well being**.

**December 22, 2022**

**Violation of NCAA contract;** Former student alleges violation of the Sherman Act, and discrimination per consumer protection law and laws listed the whistle blower lists above in authorities. TCU violates Notice of nondiscrimination literature and falsely advertises based on Covered Veteran Status, disability (70 % PTSD, and age discrimination (age 72). DOD whistle blower status reporting sexual harassment and sexual assault to law enforcement; and infractions to NCAA; whistle blower status See Notice of Nondiscrimination which applies to former Graduate Students when it reads: TCU is committed ... (no TCU is not). This is a misrepresentation and cover up: The failure to disclose NCAA self punishment remains an equity issue for those Universities who have negotiated the process in compliance in order to remain a NCAA member in accordance with **NCAA principle Integrity and Sportsmanship**.

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**Please Add NCAA history on TCU**

**Chronological order page 3**

Attachment 2 - EEOC Complaint Form

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
DIVISION

James Boswell

(Name of plaintiff or plaintiffs)

Civil Action Number:

v.

Greg Abbott, Governor of Texas (Supplied  
by Clerk's Office)  
City of Fort Worth Texas  
See pleading  
(Name of defendant or defendants)

**COMPLAINT**

1. This action is brought by James Boswell, Plaintiff,  
pursuant to the following selected jurisdiction:

(Please select the applicable jurisdiction)

- ☐ Title VII of the Civil Rights Act of 1964 (42 USC §§ 2000e et seq.) Employment  
Discrimination on the basis of race, color, sex (gender, pregnancy and sexual harassment),  
religion or national origin.
- ☐ The Age Discrimination in Employment Act (29 USC §§ 621 et seq.) (ADEA).
- ☒ The Americans With Disabilities Act (42 USC §§ 12102 et seq.) (ADA).
- ☐ The Equal Pay Act (29 USC § 206(d)) (EPA).
- ☐ The Rehabilitation Act of 1973 (29 USC § 791 et seq.) (Applicable to federal employees  
only).

2. Defendant Pleading lists Defendants  
and addresses (Defendant's name) lives  
at, or its business is located at \_\_\_\_\_  
(street address), \_\_\_\_\_ (city), \_\_\_\_\_  
(state), \_\_\_\_\_ (zip).



- 3a. Plaintiff sought employment from the defendant or was employed by the defendant at \_\_\_\_\_ (street address), (city), \_\_\_\_\_ (state), \_\_\_\_\_ (zip).
- 3b. At all relevant times of claim of discrimination, Defendant employed \_\_\_\_\_ (#) employees. If defendant is a union, at all relevant times of claim of discrimination, Defendant had \_\_\_\_\_ (#) members.
4. Defendant discriminated against plaintiff in the manner indicated in paragraph 8 of this complaint on or about December (month) 22 (day) 1986 (year). If incidents of discrimination occurred more than one day, please indicate the beginning and ending dates of such acts: through the present day of MAY 28, 2024.
5. Plaintiff filed charges against the defendant with the Equal Employment Opportunity Commission (E.E.O.C.) charging defendant with the acts of discrimination indicated in paragraph 7 of this complaint on or about \_\_\_\_\_ (month) \_\_\_\_\_ (day) \_\_\_\_\_ (year). (Not applicable to federal civil service employees).
- 6a. The E.E.O.C. issued a **Notice of Right to Sue** which was received by plaintiff on (month) February (day) 26, 2024 (year). (Not applicable to ADEA and EPA claims or federal civil service employees).

**VERY IMPORTANT NOTE:**

**PLEASE ATTACH A COPY OF YOUR NOTICE OF RIGHT TO SUE AND THE ENVELOPE IN WHICH IT WAS RECEIVED TO THIS COMPLAINT.**

- 6b. Please indicate below if the E.E.O.C issued a **Determination** in your case:

☐ Yes  
☒ No

**VERY IMPORTANT NOTE:**

**IF YOU CHECKED "YES", PLEASE ATTACH A COPY OF THE E.E.O.C.'S DETERMINATION TO THIS COMPLAINT**

7. Because of plaintiff's:

(Please select the applicable allegation(s))

- ☐ Race (If applicable, state race) Plaintiff made complaints to DOD IG about race
- ☐ Color (If applicable, state color) \_\_\_\_\_

- ☐ Sex (gender, pregnancy or sexual harassment) (If applicable, state sex and claim)  
☐ Religion (If applicable, state religion) Defendant refuses to allow plaintiff on campus to worship  
☐ National Origin (If applicable, state national origin) \_\_\_\_\_  
☐ Age (If applicable, state date of birth) 10-26-1950  
☐ Disability (If applicable, state disability) PTSD @ 70 percent  
☐ Prior complaint of discrimination or opposition to acts of discrimination.  
(Retaliation) (If applicable, explain events of retaliation) FORT WORTH C. TY  
INVESTIGATED RETALIATION  
The defendant: (please select all that apply)

- ☒ failed to employ plaintiff.  
☒ terminated plaintiff's employment.  
☒ failed to promote plaintiff.  
☒ harassed plaintiff.  
☒ other (specify) failed to apply retaliation law and NEVRAA requirement for reinstatement of employment and privileges  
8a. State **specifically** the circumstances under which defendant, its agent, or employees discriminated against plaintiff **PERSONALLY**:

**VERY IMPORTANT NOTE:**

**INCLUDE SPECIFIC DATES, SPECIFIC EVENTS, AND ANY SPECIFIC COMMENTS MADE BY DEFENDANT PERTAINING TO THE DISCRIMINATION CLAIM ALLEGED ABOVE.**

- 8b. List any **witnesses** who would testify for plaintiff to support plaintiff's allegations and the substance of their testimony:

see continuation sheet

- 8c. List any **documentation** that would support plaintiff's allegations and explain what the documents will prove:

see continuation sheet

9. The above acts or omissions set forth in paragraphs 7 and 8 are:
- ☒ still being committed by defendant.
- ☐ no longer being committed by defendant.
10. Plaintiff should attach to this complaint a copy of the charge filed with the Equal Employment Opportunity Commission. This charge is submitted as a brief statement of the facts supporting this complaint.

WHEREFORE, plaintiff prays that the Court grant the following relief to the plaintiff:

- ☐ Defendant be directed to employ plaintiff.
- ☐ Defendant be directed to re-employ plaintiff.
- ☐ Defendant be directed to promote plaintiff.
- ☐ Defendant be directed to enforce VEVRAA, reinstatement with back pay and that the Court grant such other relief as may be appropriate, including injunctive orders, damages, costs and attorney's fees.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

MAY, 2024  
Date

James Boswell  
Signature of Plaintiff

521 County Road 4873  
Address of Plaintiff

Newark Texas 76071  
City State Zip Code

817 896 4137  
Telephone Number(s)

Attachment 2 Continuation sheet

8 a

Cited in the pleadings are:

Statutes that Governor Abbott and agencies allegedly violated.

Title VII of the Civil Rights Act 42 U.S.C. 2000e

The Americans with Disabilities Act 42 USC 12102

Three Retaliation investigations which document Retaliation and opposing discrimination.

8a.

Reprisal and negligence inferred in Governor Abbott's letter to the Commissioner of Education dated January 11, 2018 is regarding a fact regarding an admission to negligence "Going back to 2004, and regarding the Department of Education adverse findings from 2009 2023 continues one of many specific examples of violations of specific and personal violation of the statutes including the violation of Texas penal code Title 11, chapter 71, section 71.02. The retaliation continues as of this EEOC issued a letter of the right to sue dated April 26, 2024. Note this is a repeat violation of the EEOC letter a right to sue in 2013 of which Federal Judge David Counts found violation of the First and Fourth amendments to the U.S. Constitution. Plaintiff submitted alleged crimes to U.S. Attorney John Bash in 2018 and subsequently to Attorney Jamie Esparza dated 23 February, 2023 regarding the Austin corruption of the Texas Education Agency with geographical location in Austin. This is reason for the EEOC venue to remain in Austin, Texas.

City of Fort Worth Investigation FEPA investigation 31A-2013-111 and 31A-2013-00113 investigated the alleged retaliation of 12-10-2012 is alleged to be cover up. A Fort Worth Federal Judge was sued and venue in Fort Worth is not practical.

Greg Abbott presented an email suggesting a charge to this teacher for \$ 27, 457.00 for the document discovery necessary to prove the Civil Rights violations considered as violation of Texas penal codes 36.06 and 39.02 reported to the U.S. Attorney.

8b. In the record, testimony from:

The Secretary of the Army ordering back pay and reinstatement regarding whistle blower investigations citing retaliation.

Lieutenant Colonel James Bright admission regarding government Conspiracy and disappearance of black sergeant who opposed discrimination

Fort Hood Third Army Corps Lieutenant Colonel Berry affirmation of series abuse of Command infractions of Discrimination involving sexual harassment, race and retaliation

Marine Colonel Don Ezell and seventy two others

Leaders verifying employment in the Texas National Guard at Camp Mabry, Austin Texas.

8c. In the record and recorded in Austin State Courts are two law suits James Boswell v Texas

Education Agency and James Boswell v Texas State Board of Education. Most Filings are included but the pleading refer to Exhibits A thru ZZZZZ.

**The Vietnam Era Veteran's Readjustment Assistance Act (VEVRAA) and**

Section 501 of the Rehabilitation Act statute prohibits harassment and retaliation and requires affirmative action for individuals with disabilities.

Businesses with a federal contract or subcontract must take affirmative action to employ and advance qualified disabled veterans. Governor Abbott and the City of Fort Worth discriminated against Plaintiff who was diagnosed by the Veterans Affairs with post traumatic stress disorder (PTSD) and 70 % disability. The City of Fort Worth and alleged Defendant conspirators aggravated Title 1 of the ADA regarding recruiting, hiring, and accommodating this veteran with a disability per facts presented in EEOC charge 450-2023-06382. Defendants treated plaintiff differently because of opposing discrimination practices regarding three government whistle blower grievant accounts. It is unlawful to discriminate unfavorably in all aspects of employment and privileges of employment because of a disability of PTSD. Defendants continue to retaliate due to previous participation in whistle blower investigations and in litigation concerning violations of civil conspiracy, Texas Law regarding Texas Organized Crime Statute (Penal Code, Title 11, Chapter 71, Section 71.02). VEVRAA requires appropriate employment service delivery systems which allows covered Veterans to participate. The exhibits document complaints to the President of the NCAA and charges the organization of violating constitutions bi laws. The City of Fort Worth decision is in error to allow businesses to profit while prohibiting

Veterans from participation. The University no trespassing law violates The U.S. and Texas constitution. The **Vietnam Era Veteran's Readjustment Assistance Act** and the **ADA** provides that former employees with disabilities are entitled to reasonable accommodation to apply for jobs, to perform their jobs, and to enjoy equal benefits and privileges of employment (e.g., access to the parts of an employer's facility available to all employees and access to employer-sponsored training and social events)

Please consider protective statutes from the U.S. Department of Veterans Affairs (VA) And the alleged fraud and alleged criminal conduct addressed in this filing and in the UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, Criminal Action No. 23-257 (TSC), UNITED STATES OF AMERICA, v. DONALD J. TRUMP, Defendant. AFFIDAVITS from James D. Boswell alleged Defendants are engaged in violation of Texas civil conspiracy and federal conspiracy. Donald Trump is alleged to be joint conspirators with the listed Conspirator defendants, and is facing an estimated 91 felony counts charged in four courts. Former President Donald Trump is charged to overturn 2020 results, mishandling of classified documents, and has played a conspiracy role in the most egregious education fraud scandal in our nations' history effecting many of us in the State of Texas. This veteran's injury is calculated at \$ 500,000. Judge David Counts Findings and the Department of Education finding of noncompliance is reason to expand the charges regarding the four counts of alleged criminal conduct and that the following defendants omissions, oversights and exclusions are crucial to each count of indictment in Criminal Action N0 23-257 (TSC), on December 1, 2023. As the court assumes the truth of the Indictment's allegations and this suit's correspondence and communications with the U.S. Department of Justice about Plaintiff's whistle blower findings on three accounts and this EEOC charge against the City of Fort Worth dated February 26, 2024, attached, please allow a Jury to assess the findings and reopen all previous cases ruled without this new evidence and indictments .



Pending cases are JAMES BOSWELL VS TEXAS EDUCATION AGENCY  
And JAMES BOSWELL VS STATE BOARD OF EDUCATION

9. The above facts and omissions are still being committed by defendants